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Secretary of State

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Employee Conflict of Interest

2) Code Citation: 89 Ill. Adm. Code 437

3) Section Numbers: Proposed Action:
437.40 Amend
437.50 Amend

4) Statutory Authority: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; Section 4 of the Children and Family Services Act [20 ILCS 505/4] and Article 50 of the Illinois Procurement Code [30 ILCS 500].

5) A Complete Description of the Subjects and Issues Involved: These rules describe and prohibit behavior which constitutes conflicts of interest between the personal interest of full-time and part-time staff of the Department of Children and Family Services and the discharge of official duties in relationship to Department clients and service providers. Amendments are proposed to exclude appointments to boards of directors and professional advisory committees as potential conflicts of interest when such appointments are required by statute or Executive Order. Amendments are also proposed to address situations of staff who are licensed as day care homes where there is no child welfare or day care agency within fifty miles which could supervise the license and those employees who adopt child(ren) or receive adoption assistance. Statutory references and requirements are updated to refer to the Illinois Procurement Code.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date: No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

406 East Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
Internet address: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking does not affect small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: Not applicable

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on a Regulatory Agenda because: The need for these amendments was not anticipated when the most recent Regulatory Agenda was prepared.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

EMPLOYEE CONFLICT OF INTEREST

- Section
437.1 Purpose (Repealed)
437.2 Definitions (Repealed)
437.3 Department Statutory Responsibilities (Repealed)
437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
437.7 Requirements of the Governmental Ethics Act (Repealed)
437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
437.9 Violations of Part 437 (Repealed)
437.10 Purpose
437.20 Definitions
437.30 Department Statutory Responsibilities
437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety
437.50 Prohibitions Under the Illinois Procurement Code Purchasing-Act
437.60 Requirements of the Governmental Ethics Act
437.70 Prohibition of Employee Conflicts in the Care of Children
437.80 Requirements of Executive Order #3 (1977)
437.90 Violations of Part 437

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; Section 4 of the Children and Family Services Act [20 ILCS 505/4]; and Article 50 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.
- b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licensees are exempt from this restriction.
- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for a program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.
- d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the Office of Internal Audits office-of-internal-audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee. An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection.
- e) An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.
- f) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

under circumstances that might reasonably be construed to influence the performance of his or her official duties.

g) No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.

h) No employee may accept an honorarium for speeches, panel participation or written materials when:

- 1) he or she is speaking or writing as a representative of the Department; or
- 2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or
- 3) travel and related expenses are paid by the State.

i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's Office of Internal Audits office-of-internal-audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).

j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.

k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.

l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.

m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.

n) When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.

o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care homes licenses within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.

p) When an employee or spouse seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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adoption or eligibility for adoption assistance shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If an adoption assistance agreement is entered into, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed and by employees who have no significant working relationship with the employee involved. Service responsibility for any employee currently involved in adopting a child or applying for or receiving adoption assistance shall be transferred by June 30, 1999 to a private agency or region other than that in which the individual is employed.

1) An employee who currently holds a license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.

2) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.

3) An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Procurement Code [30 ILCS 500] ~~Illinois--Purchasing Act--f30--f505-505f.~~ (See Section 437.50.)

4) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.

5) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 437.50 Prohibitions Under the Illinois Procurement Code ~~Purchasing-Act~~

a) Employees who are receiving remuneration for services as State employees of the Department are subject to the provisions of the Illinois Procurement Code [30 ILCS 500] ~~prohibitions-of-the-Illinois Purchasing-Act--f30--f505-505f.~~ Very generally, the Illinois Procurement Code ~~Purchasing-Act~~ prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains a reporting requirement and an exemption provisions provision. All State employees must comply with the provisions of the Illinois Procurement Code ~~Purchasing-Act~~. State employees should, therefore, consult the Code Act to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Code Act.

b) Section 50-13 of the Illinois Procurement Code excludes from its conflict of interest provisions ~~Section-11-i-of-the-Purchasing-Act--f30 f505-505f--it-excludes-from-its--restrictions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for personal services as a teacher or school administrator at any school district, public community college district or State university teaching-services-at-a-public-or-private-college--community-college-or university.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities

2) Code Citation: 83 Ill. Adm. Code 595

3) Section Numbers: Proposed Action:
595.110 Amendment

- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6].

5) A Complete Description of the Subjects and Issues Involved: Part 595 requires that persons operating a pipeline subject to the rules file a report with the Commission under certain circumstances, one of which is property damage exceeding \$5,000. The amount was raised from \$1,000 to \$5,000 in 1986. The Federal reporting amount is damage in excess of \$50,000. The Utility Compliance Review Group has recommended to the Commission that it increase the amount of damage requiring reports from \$5,000 to \$25,000. The Group bases this recommendation on the disparity between the Federal reporting amount and the Illinois reporting amount, to bring the Illinois amount more in line with present day costs and operational expenses.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
217/782-7434

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment will affect any pipeline companies that are also small businesses as defined in the Illinois Administrative Procedure Act and any small municipalities that operate their own gas distribution systems.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures

C) Types of professional skills necessary for compliance: Engineering and managerial skills

- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included in either of the two most recent agendas because the Commission did not foresee the need for this rulemaking.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER d: GAS UTILITIES

PART 595

REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED IN THE
TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE GAS PIPELINE FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

595.10 Exemption from 83 Ill. Adm. Code 220

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section

595.110 Definitions

595.120 Reporting of Accidents or Incidents

595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act (220 ILCS 20/6).

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616; amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at 13 Ill. Reg. 2036, effective February 1, 1989; amended at 22 Ill. Reg. _____, effective _____.

Section 595.110 Definitions

"Accident or incident ~~incident~~", for the purposes of this Part, shall mean any or all of the following, the cause of which is gas escaping from pipeline facilities:

personal injury requiring hospitalization;

fatality; and

property damage exceeding \$25,000 \$57000.

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas which is toxic or corrosive.

"Person" shall mean any individual, firm, joint venture, partnership,

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

corporation, association, municipalities, cooperative association, and includes any trustee, receiver, assignee or personal representative thereof.

"pipeline facilities ~~Facilities~~" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of such transportation.

"Transportation of gas ~~Gas~~" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this state and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Safety Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled2) Code Citation: 89 Ill. Adm. Code 1133) Section Numbers: Proposed Action:

113.157 Amendment

113.158 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. L. 104-193.

5) A Complete Description of the Subjects and Issues involved: Pursuant to provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193), rules have been developed to address the sponsors of non-citizens who entered the country prior to August 22, 1996, who did not sign an Affidavit of Support and sponsors of non-citizens who entered the country after August 22, 1996, who signed an Affidavit of Support.

Responsibility of Sponsors of Non-citizens Entering the Country Prior to August 22, 1996

These provisions will be applied to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA). This rulemaking provides that sponsor liability will not apply to a non-citizen who is:

- a person paroled under Section 212(d)(5) of INA for at least one year and who entered the United States before August 22, 1996;
- a person granted asylum by the U.S. Attorney General under Section 208 of the INA;
- a person admitted as a Cuban or Haitian Entrant;
- a person admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- a person admitted as a refugee by application after March 31, 1980, under Section 207(c) of the INA;
- persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the U.S.;
- a person whose deportation is being withheld under Section 243(h) of the INA; and
- MANG applicants and recipients.

These proposed amendments establish that a certain amount of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are considered to be available unearned income and/or assets of the individual non-citizen applying for or receiving assistance

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

if the following occur:

1. The sponsor signed an Affidavit of Support or a similar agreement assuring that the non-citizen would not become a public charge;
2. The non-citizen has been a resident of the U.S. for less than three years;
3. The sponsor is not a recipient of TANF, SSI, or SSP; and
4. The non-citizen is not a child or spouse of the sponsor.

Responsibility of Sponsors of Non-citizens Entering the Country On or After August 22, 1996

These provisions will be applied to all non-citizens who entered the country on or after August 22, 1996, and whose sponsor signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA). This rulemaking provides that sponsor liability will not apply to a non-citizen who is:

- a person paroled under Section 212(d)(5) of the INA for at least one year and who entered the U.S. before August 22, 1996;
- a person granted asylum by the U.S. Attorney General under Section 208 of the INA;
- a person admitted as a Cuban or Haitian Entrant;
- a person admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- a person admitted as a refugee by application after March 31, 1980, under Section 207 of the INA; and
- a person whose deportation is being withheld under Section 243(h) of the INA.

These proposed amendments establish that a certain amount of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, will be considered available unearned income and/or assets of the individual non-citizen applying for or receiving assistance if:

1. The sponsor signed an Affidavit of Support under Section 213A of the INA assuring that the non-citizen would not become a public charge;
2. The sponsor is not a recipient of TANF, SSI, or SSP; and
3. The non-citizen is not a child or spouse of the sponsor.

In addition, this rulemaking provides that the sponsor will not be responsible for the non-citizen's spouse or children unless he or she also sponsored them. This rulemaking also establishes how the amount of the sponsor's available income and assets will be considered. The income and assets of the sponsor will be used in determining the eligibility and the amount of benefits for the non-citizen until the non-citizen becomes a citizen or until the non-citizen is credited with 40 qualifying quarters

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS
PART 113
AID TO THE AGED, BLIND OR DISABLED

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- of work.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
113.40	Amendment	22 Ill. Reg. 2513
113.50	Amendment	22 Ill. Reg. 2513

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

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113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

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 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
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 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
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 113.330 Attorney's Fees for VA Appellants (Repealed)

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 113.400 Description of the Interim Assistance Program
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 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
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 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

DEPARTMENT OF HUMAN SERVICES

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P. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended

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at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 19896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.

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3458, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective November 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96 Sponsors-of-Aliens

a) This Section applies to all aliens except:

a) This Section, except as specified in subsection (b) of this Section, applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).

b) This Section applies to all non-citizens except the following:

- 1) persons paroled into the United States as refugees under Section 212(d)(5) of the Immigration and Nationality Act (8-8-E-11024d) (577) (INA) for at least one year and who entered the United States before August 22, 1996;
- 2) persons granted asylum by the U.S. Attorney General of the United States under Section 208 of the INA Immigration and Nationality Act (8-8-E-11058);
- 3) persons admitted as Cuban or Haitian entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA Immigration and Nationality Act (8-8-E-11534e) (777);
- 5) persons admitted as refugees by application after March 31, 1980.

DEPARTMENT OF HUMAN SERVICES

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under Section 207(c)(1) of the INA Immigration and Nationality Act (8-8-E-11574e) (111);

65) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States; and

7) persons whose deportation is being withheld under Section 243(h) of the INA; and

86) MANG applicants and recipients.

cb) Certain With-respect-to-sponsors-of-alien--certain amounts of the income and assets of the a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen alien applying for or receiving AABD MAG assistance if:

- 1) the sponsor signed an Affidavit of Support support or a similar agreement assuring that the non-citizen alien would not become a public charge;
- 2) the non-citizen alien has been a resident of the United States for less than five three years;
- 3) the sponsor is not a recipient of TANF, APBE or SSI or SSP; and
- 4) the non-citizen alien is not a child or spouse of the sponsor.

de) A sponsor is an individual, private organization or agency, or public organization or agency not-an-organization.

ed) The Department shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.

fe) The sponsor, if found able to support the non-citizen alien wholly or partially, is liable for the needs of the individual non-citizen alien only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen alien if he or she did not sponsor them.

gf) If two or more non-citizens aliens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens. as-if-each alien-is-the-only-one-sponsored-by-that-person.

hg) The Department shall determine the sponsor's liability to support the non-citizen alien-applicant/-recipient as follows:

1) Determination of Sponsor's Available Income.

A) The Department shall disregard 20%, not to exceed \$175-00, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) The Department shall add the unearned income of the sponsor and spouse if they live together.

C) If the sponsor's children are living with the sponsor, the Department shall determine the needs of the sponsor and the sponsor's spouse and family using the appropriate federal poverty level as defined in 89 Ill. Adm. Code 112.155(b).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~APBE Assistance Standard (see 89-Ill.-Adm.-Code-111-1017).~~
The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included in making this determination.

- D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department shall determine their needs using the appropriate AABD Assistance Standard (see Section 113.245 89-Ill.-Adm.-Code-111-1017).

E) The Department shall deduct from income:

- i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
- ii) any alimony maintenance or child support paid to individuals not living with the sponsor.

- F) Any remaining income is applied to the needs of the non-citizen alien.

- 2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.

A) The asset disregard for a sponsor of a non-citizen alien is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.

B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96

a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsor signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).

b) This Section applies to all non-citizens except the following:

- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
- 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
- 3) persons admitted as Cuban or Haitian entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- 5) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA; and
- 6) persons whose deportation is being withheld under Section 243(h) of the INA.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying for or receiving assistance if:

1) the sponsor signed an Affidavit of Support under Section 213A of the INA assuring that the non-citizen would not become a public charge;

2) the sponsor is not a recipient of TANF, SSI or SSP; and

3) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency, or public organization or agency.

e) The sponsor's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.

h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

1) Determination of Sponsor's Available Income
A) The Department shall disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) The Department shall add the unearned income of the sponsor and spouse if they live together.

C) The Department shall deduct the appropriate federal poverty level, as defined in 89 Ill. Adm. Code 112.155(b), for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

D) The Department shall deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.

E) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department shall determine their needs using the appropriate AABD Assistance Standard (see Section 113.245).

F) The Department shall subtract any alimony or child support paid to individuals not living with the sponsor.

2) Any remaining income is applied to the needs of the non-citizen.

3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen is \$2000. The

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

same assets are exempt as for an AABD case as provided in Section 113.141.

- i) If nonexempt assets of a sponsor of a non-citizen are more than the \$2,000 disregard (for a sponsor and spouse residing together, \$3,000; for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent), the amount over the disregard shall be considered as available to the non-citizen.
- ii) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104-193).

(Source: Added at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: Proposed Action:
114.408 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. L. 104-193.
- 5) A Complete Description of the Subjects and Issues involved: Pursuant to provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193), rules have been developed to address all non-citizens who entered the country on or after August 22, 1996, and whose sponsor signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA). This rulemaking provides that sponsor liability will not apply to a non-citizen who is:
 - * a person paroled under Section 212(d)(5) of the INA for at least one year and who entered the U.S. before August 22, 1996;
 - * a person granted asylum by the U.S. Attorney General under Section 208 of the INA;
 - * a person admitted as a Cuban or Haitian Entrant;
 - * a person admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
 - * a person admitted as a refugee by application after March 31, 1980, under Section 207 of the INA; and
 - * a person whose deportation is being withheld under Section 243(h) of the INA.

These proposed amendments establish that a certain amount of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, will be considered available unearned income and/or assets of the individual non-citizen applying for or receiving assistance if:

1. The sponsor signed an Affidavit of Support under Section 213A of the INA assuring that the non-citizen would not become a public charge;
2. The sponsor is not a recipient of GA, SSI, or SSP; and
3. The non-citizen is not a child or spouse of the sponsor.

In addition, this rulemaking provides that the sponsor will not be responsible for the non-citizen's spouse or children unless he or she also sponsored them. This rulemaking also establishes how the amount of the sponsor's available income and assets will be considered. The income and assets of the sponsor will be used in determining the eligibility and the amount of benefits for the non-citizen until the non-citizen becomes a citizen or until the non-citizen is credited with 40 qualifying quarters of work.

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- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 114
GENERAL ASSISTANCE

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 114.454 Qualified Provider (Repealed)
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 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
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 114.500 Transitional Child Care Eligibility (Repealed)
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
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 114.514 Child Care Overpayments and Recoveries (Repealed)
 114.516 Fees for Service for Transitional Child Care (Repealed)
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 117, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 131, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8147, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 119 effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 911, amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 111, amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 3 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg.

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10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective

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November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART G: OTHER PROVISIONS

Section 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96

- a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).
- b) This Section applies to all non-citizens except the following:
- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
 - 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
 - 3) persons admitted as Cuban or Haitian entrants;
 - 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
 - 5) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA; and
 - 6) persons whose deportation is being withheld under Section 243(h) of the INA.
- c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying for or receiving assistance if:
- 1) the sponsor signed an Affidavit of Support under Section 213A of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the INA assuring that the non-citizen would not become a public charge:

- 2) the sponsor is not a recipient of GA, SSI or SSP; and
 - 3) the non-citizen is not a child or spouse of the sponsor.
- d) A sponsor is an individual, private organization or agency, or public organization or agency.
- e) The sponsor's spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.
- f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.
- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.
- h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Sponsor's Income
 - A) The Department shall disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department shall add the unearned income of the sponsor and spouse if they live together.
 - C) The Department shall deduct the appropriate federal poverty level, as defined in 89 Ill. Adm. Code 112.155(b), for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.
 - D) The Department shall deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
 - E) The Department shall subtract any alimony or child support paid to individuals not living with the sponsor.
- 2) Any remaining income is applied to the needs of the non-citizen.
- 3) Determination of Sponsor's Assets
 - The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a GA case as provided in Section 114.251.
 - i) If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.
 - ii) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

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(Source: Added at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Proposed Action:
112.52 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments add Social Security Number (SSN) provisions for child-only cases. This change is being done to align the rules with the approved State Plan regarding child-only cases. Previously, the adult parent who did not comply with the SSN policy was excluded from the TANF cash case. As a result of these proposed amendments, if the individual for whom a SSN is not furnished and for whom application for a SSN is not made is an adult parent of a child in a TANF cash case, the entire filing unit will be ineligible for TANF cash or General Assistance benefits.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.68	Amendment	22 Ill. Reg. 6024
112.78	Amendment	22 Ill. Reg. 4354
112.79	Amendment	22 Ill. Reg. 6024

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.

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Springfield, Illinois 62762

Telephone number: (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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112.1 Description of the Assistance Program
112.5 Incorporation by Reference

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112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
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112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF Orientation
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TANF Employment and Work Activities

112.78 Sanctions
112.79 Good Cause for Failure to Comply with TANF Participation Requirements
112.80 Responsible Relative Eligibility for JOBS (Repealed)
112.81 Supportive Services
112.82 Teen Parent Services
112.83 Work Experience Evaluation Project (Repealed)
112.84 Four Year College/Vocational Training Demonstration Project
112.85 (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

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112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit

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112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.139	Exempt Earned Income
112.140	Exempt Income Exemption
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

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112.251	Payment Levels
112.252	Payment Levels in Group I Counties
112.253	Payment Levels in Group II Counties
112.254	Payment Levels in Group III Counties
112.255	Limitation on Amount of TANF Assistance to Recipients from Other States

SUBPART I: OTHER PROVISIONS

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112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Reporting Requirements for Clients with Earnings
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
112.308	Responsibility of Sponsors of Non-Citizens Entering the Country on or

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NOTICE OF PROPOSED AMENDMENTS

	After 8/22/96
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section	
112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 772, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 772, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at

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7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

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Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill.

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Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.52 Social Security Numbers

- a) To be eligible for TANF, each individual must furnish the Department his or her Social Security Number. If more than one Social Security Number has been assigned to any individual, all numbers are to be furnished.
- b) If a Social Security Number cannot be furnished, either because it has not been issued or is not known, application shall be made for a Social Security Number.
- c) Assistance will not be denied, delayed or discontinued pending the issuance or validation of a Social Security Number if the individual, or someone acting responsibly for the individual applies for the Social Security Number.
- d) Individuals for whom a Social Security Number is not furnished and for whom application for a Social Security Number is not made are ineligible for an assistance grant under the TANF program. If the individual is an adult parent of a child in a TANF cash case, the entire filing unit is ineligible for TANF cash or General Assistance benefits.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part: The Illinois Oil and Gas Act2) Code Citation: 62 Ill. Adm. Code 2403) Section Number:

<u>Section Number:</u>	<u>Proposed Action:</u>
240.10	Amend
240.250	Amend
240.251	Amend
240.255	Amend
240.310	Amend
240.311	New
240.312	New
240.340	Amend
240.360	Amend
240.380	Amend
240.385	Amend
240.540	Amend
240.820	Amend
240.840	Amend
240.860	Amend
240.861	Amend
240.870	New
240.875	Amend
240.880	Amend
240.905	Amend
240.926	Amend
240.1130	Amend
240.1131	Amend
240.1400	Amend
240.1410	Amend
240.1420	Amend
240.1425	New
240.1430	Amend
240.1440	Amend
240.1460	Amend
240.1465	New
240.1470	Amend
240.1480	Amend
240.1485	New
240.1490	Amend
240.1500	Amend
240.1510	Amend
240.1520	Amend
240.1700	Amend
240.1720	Amend
240.1730	Amend

4) Statutory Authority:

Implementing and authorized by Section 6 of the

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Illinois Oil and Gas Act [225 ILCS 725/6].

5) A complete description of the subjects and issues involved: Section 240.10 is being amended to clearly define the types of wells that are to be classified as injection wells in accordance with federal regulations.

Section 240.250 is being amended to clarify prohibitions against permit issuance to persons or entities either in violation of the Illinois Oil and Gas Act or that are closely affiliated with persons or entities which have unabated violations of the Act.

Section 240.251 is being amended to achieve two objectives. First, the Department is granted discretion to decide whether permit revocation is an appropriate measure to ensure the protection of public interest in applicable situations. Secondly, the Section is streamlined by deletion of duplicative provisions found elsewhere in the Rules, and by adding a direct reference to such other provisions.

Section 240.255 is being amended to clearly reflect the prohibition against conversion of production wells to livestock or domestic use water wells and to delineate exemption requirements from this prohibition based on the date jurisdiction transferred from the Department of Natural Resources to the Department of Public Health over such wells.

Section 240.310 is being amended to comply with federal statutes that prohibit production related injection activities into freshwater aquifers, and to specify requirements for securing aquifer injection exemptions.

Section 240.311 is newly added to clearly establish application procedures for obtaining freshwater aquifer exemptions.

Section 240.312 is newly added to identify freshwater aquifer exemptions within the State that have been approved by the U.S. Environmental Protection Agency.

Section 240.340 is being amended to clarify maximum injection pressure standards for wells with multiple injection zones.

Section 240.360 is being amended to impose a clear requirement that a State Well Inspector be present at all fluid level tests to ensure accurate verification of submitted data.

Section 240.380 is being amended to delete repetitive provisions found elsewhere in the Rules and to grant discretionary authority to the Department with respect to permit issuance and revocation.

Section 240.385 is being amended to clearly articulate the prohibition against conversion of Class II injection wells to livestock or domestic

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use water wells and to delineate exemption requirements from this prohibition based on the date jurisdiction transferred from the Department of Natural Resources to the Department of Public Health over such wells.

Section 240.540 is being amended to clarify jurisdictional parameters between on-site disposal of drilling fluid wastes governed by the Oil and Gas Rules and off-site disposal of such materials governed by rules promulgated by the Illinois IEPA.

Section 240.820 is being amended to implement standardized flowline construction requirements, thereby heightening environmental protection against crude oil and produced fluid spills.

Section 240.840 is being amended to clarify the necessity of obtaining permission of the current surface owner prior to storing equipment on a lease or unit, thus removing the ability of prior surface owners to obligate current owners to unwanted storage obligations.

Section 240.860 is being amended to accomplish three objectives. First, the types of wastes allowed to be disposed of into Class II wells are expressly limited to oilfield brine and produced waters. Secondly, a new disposal method is established for crude oil bottom sediments. Lastly, disposal mechanisms for pit residues and liners are clearly articulated.

Section 240.861 is being amended to clarify procedures for pit closures, obtaining exemptions for pit closures, and to establish pit reconstruction requirements.

Section 240.870 is being amended to expand the Department's powers to investigate leaking unpermitted drill holes, assign plugging responsibilities for such holes, and authorize shut-in of injection wells within a specified distance of leaking unpermitted drill holes.

Section 240.880 is being amended to refine initial spill notification requirements for operators, thus enhancing the Department's ability to ensure that maximum remedial measures are applied to affected areas in a timely manner in order to offer the greatest post event environmental protection possible.

Section 240.875 is newly added to establish plugging responsibility for previously plugged wells that subsequently leak.

Section 240.905 is being amended to accurately cite a Subpart reference.

Section 240.926 is being amended to simplify criteria pertaining to issuance or revocation of Liquid Oilfield Waste Transportation and Vehicle Permits by deleting unnecessary provisions referred to elsewhere in the Rules.

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Section 240.1130 is being amended to clarify temporary abandonment procedures currently used by the Department for Class II injection wells, and to insert appropriate standardized terminology.

Section 240.1131 is being amended to clarify temporary abandonment procedures currently used by the Department for production wells, to insert appropriate standardized terminology, and to revise hearing rules pertaining to denials of requests for Future Use status.

Section 240.1400 is being amended to accomplish four objectives. First, a definition of "Proposed New Permittee" is newly added. Next, criteria is precisely defined to distinguish new permittees that will not need bonds to operate from new permittees who will need such bonds prior to commencement of operations. Third, a deletion is made to remove reference to the Department of Mines and Minerals. Finally, a definition of PRF wells is newly added to clearly identify those wells addressed in recently enacted legislation (P.A. 90-260) that expanded the Department's disposal authority.

Section 240.1410 is being amended to clearly indicate that transfers of PRF wells are subject to provisions of this Subpart.

Section 240.1420 is being amended to clarify notification requirements relative to well transfers, and to establish requirements for operating wells during the transfer process.

Section 240.1425 is newly added to impose specific identification and signature requirements pertaining to transfer notifications.

Section 240.1430 is being amended to remove a previous exemption from the well transfer notification requirements, exclude current permittees from such notification requirements, and authorize the Department to request copies of pertinent documents prior to approving well

Section 240.1440 is being amended to implement the fee schedule mandated by the Illinois Oil and Gas Act, and to clarify existing Department transfer procedures.

Section 240.1460 is being amended to delete duplicative provisions found elsewhere in the Rules, and to reference such other provisions. A new provision is added to clarify identification of a permittee, new base lessee, and proposed new permittee, and to expressly state the responsibilities of each such entity.

Section 240.1470 is newly added to allow the Department discretion in revoking operating permit and provide a simplified guide by deletion of duplicative provisions found elsewhere in the Rules.

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Section 240.1480 is being amended to clarify requirements for the involuntary transfer of wells by the Department to the person or entity who should, under the circumstances, be the permittee of record, and expressly assign responsibility for statutory and regulatory compliance to the designated permittee. This will allow for the initiation of enforcement actions against the proper party. Such transfers are specifically exempted from the provisions of Section 240.250 (b).

Section 240.1485 is newly added to provide an expedited mechanism for correcting administrative record errors in the well transfer process. Due process protections for affected permittees are preserved through inclusion of a hearing request procedure.

Section 240.1490 is being amended to clearly state the rights of proposed new permittees to request hearings to contest transfer or denial decisions made by the Department. Also, the mandatory requirement that prehearing conferences be held within 15 days is removed, and the deadline for holding such conferences is extended to 30 days on a non-mandatory basis.

Section 240.1500 is being amended to achieve three objectives. First, it is clarified that unabated Department administrative orders will subject an applicant to a bonding requirement. Next, the time frame for a previous operator not to have to furnish a bond after missing a billing cycle is expanded. Third, the Department's authority to issue cessation orders for violation of the Act's bond requirements is reinforced.

Section 240.1510 is being amended to repeal provisions pertaining to maintenance of cash accounts. There has never been a mechanism to maintain such accounts by the Oil and Gas Division, and cash accounts have never been utilized by the Division since this rule was promulgated.

Section 240.1520 is being amended to reflect the Department of Natural Resources instead of the Department of Mines and Minerals and to delete provisions referencing cash accounts.

Section 240.1700 is being amended to properly reflect that well fees are assessed on a fiscal, as opposed to calendar, year basis. It is further clarified that the full assessed amounts of fees are due within the time periods established by regulation, and specifies that repayment of checks returned due to insufficient funds or stopped payments shall be made by cashier check or money order, to ensure that the Department receives fees owed.

Section 240.1720 is being amended to clarify that the Department can cease mailing (not billing) permittees who fail to pay annual well fees for 3 consecutive years.

Section 240.1730 is being amended to clearly state that objections to fee

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assessments must be accompanied by the full assessed amount. This brings the rule into compliance with the Illinois Oil and Gas Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Alfred L. Clayborne, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield, IL 62701
(217)782-1809

The Department will hold a public hearing on the proposed rulemaking on July 22, 1998, at the Holiday Inn, 222 Potomac Blvd., Mt. Vernon, IL 62864 at 9:00 a.m.. Representatives of small businesses are encouraged to comment about the impact of the proposed rulemaking at this public hearing.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will allow small oil and gas permittees to conduct their operations in a more cost-effective manner. The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department neglected to file a regulatory agenda on this Part.

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NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240
THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices (Repealed)
240.131	Unization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location

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240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Approved Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
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AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill.

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Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. _____, effective _____.

In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Act"--means the Illinois Oil and Gas Act [225 ILCS 725].

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

"Class II fluids" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or

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natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;

Fresh water from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UIC well"--means an Injection, Disposal or Commercial Disposal well into which fluids are injected;

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

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For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"--means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"--means the Department of Natural Resources, Office of Mines and Minerals of the State of Illinois. (Section 1 of the Act)

"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Director"--means the Director of the Office of Mines and Minerals, as the designee of the Director, Illinois Department of Natural Resources.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"--means the Department's office for the district in which the well is located.

"Division"--means the Division of Oil and Gas within the Department of Natural Resources, Office of Mines and Minerals.

"Enhanced Oil Recovery"--means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-site combustion, or by any combination thereof. (Section 1 of the Act)

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

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"Fresh Water"--means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"--means oily rags, chemical containers including any unused chemicals, oil filters and gaskets, used motor oil, lubricating oils, hydraulic fluids, diesel fuels, paint and solvent wastes and other similar wastes generated during drilling, completion, production and plugging activities and which are now or hereafter non-exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976.

"Injection Well"--means an enhanced oil recovery injection well or disposal well ~~a class of well into which fluids brought to the surface in connection with oil or natural gas production are injected into a producing oil or gas zone for purposes of enhanced oil recovery.~~

"Liquid Oilfield Waste"--means oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. (Section 8c of the Act)

"Liquid Oilfield Waste Hauler"--means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"--means a well for which:

No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years;

no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and

no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or salt water intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations. (Section 1 of the Act)

"Owner"--means the person who has the right to drill into and produce from any pool, and to appropriate the production either for the person

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or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of the Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights. (Section 1 of the Act)

"Permit"--means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated by an owner. (Section 1 of the Act)

"Permittee"--means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well. When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee. (Section 1 of the Act)

"Person"--means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. (Section 1 of the Act)

"Pool"--means a natural underground reservoir containing, in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein. (Section 1 of the Act)

"Produced Water"--means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing"--means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"--means to increase the reservoir pressure by the

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introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"---for the purpose of these rules, is interchangeable with the term "pool".

"Rotary Drilling"---means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"---means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters"---means any river, stream, lake, pond or intermittent stream.

"Tank"---means a vessel into which oil or water is gathered, produced or stored.

"Undeveloped Limits of a Mine"---means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"---means pressure which is reduced below the pressure of the atmosphere.

"Water Drainage Way"---means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

"Well"---means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section 240.250 Issuance of Permit to Drill or Operate

a) If the applicant satisfies requirements of the Act and Rules the Department shall issue a permit.

b) A permit shall not be issued to an applicant where:

- 1) the applicant has falsified or otherwise misstated any information on or relative to the permit application;
- 2) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;
- 3) an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner, or person with an interest exceeding 5%, in

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another entity that failed to abate a violation of the Act specified in a final administrative decision of the Department;

4) the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department (Section 8a of the Act);

5) funds have been obligated and remain outstanding from the plugging and Restoration Fund to plug wells, under Subpart P, for which the applicant was a previous permittee; or the applicant was an officer, director, partner, or person with an interest exceeding 5%, in a permittee for which funds were obligated; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee for which funds were obligated; or

6) the applicant is delinquent in the payment of Annual Well Fees; or the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.

c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 2 years from date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set, conversion operations completed or well repermitted. If the drilling rig is removed prior to the expiration of the permit, any further drilling or deepening shall require repermitting.

d) Permits are not transferable prior to the drilling of the well.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.251 Revocation of Permit to Drill

a) The Department may shall revoke a permit if:

- 1) The permittee fails to meet permit conditions; or
- 2) The permit was issued in error; or
- 3) The permittee is not in compliance with Section 240.250(b) of this Subpart.

4) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department; or an officer, director, partner, or person with an interest in the applicant exceeding 5%, was an officer, director, partner, or person with an interest exceeding 5%, in

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~~applicant--exceeding--5%--failed--to-abate--a-violation-of-the-Act specified-in-a-final-administrative-decision-of--the--Department; or~~

6) ~~the-applicant-is-an-officer--director--partner--or-person-with-an interest-exceeding-5%--in-another-entity-that-has-failed-to-abate a-violation-of--the--Act--specified--in--a--final--administrative decision-of-the-Department. (Section-9a-of-the-Act)~~

b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (c) below.

c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:

1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

i) Simplify the factual and legal issues presented by the hearing request;

ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;

iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;

iv) Set a hearing date; and

v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.

d) At the hearing, the Department shall present evidence in support of its determination under subsection (a) above. The permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.

f) The permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 240.255 Conversion of a Production Well to a Water Well

Production wells may not be converted to a livestock or domestic use water well that is required to have wells-requiring a permit from the Illinois Department of Public Health. Production wells converted to livestock or domestic use water wells prior to January 1, 1989 may remain in use provided the portion of the well extending below the base of the fresh water was plugged prior to January 1, 1989.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well

a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.

b) No person shall inject into a freshwater aquifer or be issued a permit into a freshwater aquifer unless:

1) the freshwater aquifer into which injection is proposed has been excepted as specified in Section 240.312; or

2) a completed application requesting an aquifer exemption was submitted to the Department prior to January 1, 1998 and is pending approval by the U.S. Environmental Protection Agency under 40 CFR 146.4; or

3) a request for an aquifer exemption is submitted to the Department in accordance with Section 240.311 and approved by the U.S. Environmental Protection Agency under 40 CFR 146.4.

c) If Application for a permit to drill, deepen or convert to a Class II UIC well or amend existing Class II UIC well permit in accordance with Section 240.390(a) of this Part shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart L.

d) At the time of application they must specify the type of Class II well being permitted as an Injection well, Disposal well or Commercial Disposal well.

e) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.

f) Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act

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and for which no permit has previously been issued, is required to be permitted. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart L. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of \$100-00. After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in the Act. [225 ILCS 725/12]

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.311 Application for Freshwater Aquifer Exemption

a) If it is determined by the Department a freshwater aquifer exemption is required in order to permit and/or operate a Class II well, the applicant shall submit to the Department a written request to exempt the freshwater aquifer along with evidence showing the freshwater aquifer satisfies the criteria for an exemption.

b) A freshwater aquifer or a portion thereof may be determined under 40 CFR 146.4 to be exempted if evidence is submitted showing the following criteria are met:

1) The aquifer does not currently serve as a source of drinking water; and

2) Either:

A) The aquifer cannot now and will not in the future serve as a source of drinking water because:

i) the aquifer is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible; or

ii) the aquifer is situated at a depth or location that makes recovery of water for drinking water purposes economically or technologically impractical; or

iii) the aquifer is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

iv) the aquifer is located over a Class III well mining area subject to subsidence or catastrophic collapse.

B) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not

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reasonably expected to supply a public water system. After review and approval of the submitted evidence, the Department will forward the information, along with a recommendation, to the U.S. Environmental Protection Agency Region V Office for approval.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.312 Approved Freshwater Aquifer Exemptions

a) The following aquifer exemptions have been approved by the U.S. Environmental Protection Agency.

b) Siloam pool located in Township 2 South, Range 4 West in Brown County consisting of:

- 1) SE/4 SE/4 of Section 7; and
- 2) S/2 NE/4 and S/2 of Section 8; and
- 3) SW/4 SE/4 and SW/4 of Section 9; and
- 4) W/2 NE/4 and NW/4 of Section 15; and
- 5) NE/4 SE/4 and N/2 NE/4 and NE/4 of Section 16; and
- 6) N/2 NE/4 and N/2 NW/4 and SE/4 NW/4 of Section 17; and
- 7) NE/4 NE/4 of Section 18.

c) Buckhorn pool located in Brown County consisting of:

1) Township 1 South, Range 4 West

- A) S/2 SW/4 and S/2 SE/4 of Section 24; and
- B) all Section 25 except W/2 NW/4; and
- C) S/2 SE/4 and S/2 SW/4 of Section 26; and
- D) S/2 NE/4 and SE/4 SW/4 and SE/4 of Section 33; and
- E) all of Section 34 except NW/4 NW/4; and
- F) all of Section 35; and
- G) all of Section 36.

2) Township 1 South, Range 3 West

- A) W/2 NW/4 and W/2 SW/4 and SE/4 SW/4 and S/2 SE/4 of Section 30; and
- B) S/2 SW/4 and S/2 SE/4 of Section 29; and
- C) all of Section 31; and
- D) all of Section 32; and
- E) W/2 NW/4 and W/2 SW/4 of Section 33.

3) Township 2 South, Range 4 West

- A) N/2 NE/4 and N/2 NW/4 of Section 1; and
- B) all of Section 2 except S/2 SE/4 and NE/4 SE/4; and
- C) all of Section 3 except SE/4; and
- D) NE/4 and N/2 NW/4 of Section 4; and
- E) NE/4 and E/2 SE/4 of Section 10; and
- F) NW/4 and W/2 SW/4 of Section 11.

4) Township 2 South, Range 3 West

- A) all of Section 5 except SE/4 NE/4 and NE/4 SE/4; and
- B) all of Section 6 except SW/4 NW/4 and W/2 SW/4; and
- C) N/2 NW/4 and NE/4 of Section 8.

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- d) Siggins pool in Clark and Cumberland Counties
- 1) Township 11 North, Range 10 East
 - A) S/2 NW/4 and SW/4 and SE/4 of Section 35; and
 - B) SW/4 NW/4 of Section 36.
 - 2) Township 11 North, Range 11 East, SW/4 SE/4 and E/2 SE/4 of fractional Section 31.
 - 3) Township 11 North, Range 14 West
 - A) all of Section 31 except N/2 NW/4 and SW/4 NW/4; and
 - B) all of Section 32.
 - 4) Township 10 North, Range 10 East
 - A) all of Section 1 except N/2 NE/4; and
 - B) all of Section 2 except SW/4 NW/4 and W/2 SW/4; and
 - C) all of Section 11 except NW/4 NW/4; and
 - D) all of Section 12; and
 - E) all of Section 13; and
 - F) E/2 of Section 14; and
 - G) NE/4 and NE/4 SE/4 of Section 23; and
 - H) all of Section 24.
 - 5) Township 11 North, Range 11 East
 - A) all of fractional Section 6; and
 - B) all of fractional Section 7; and
 - C) all of fractional Section 18; and
 - D) all of fractional Section 19 except E/2 NE/4 and NE/4 SE/4.
 - 6) Township 10 North, Range 14 West
 - A) NW/4 and E/2 SW/4 and SW/4 NE/4 and N/2 NE/4 of Section 5; and
 - B) all of Section 6; and
 - C) all of Section 7; and
 - D) W/2 NW/4 of Section 8; and
 - E) NW/4 and N/2 SW/4 and W/2 NE/4 of Section 18.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.340 Proposed Well Construction and Operating Parameters

- a) Well Construction Records for Conversion Wells
If the application is for the conversion of a previously drilled well, the applicant shall:
 - 1) submit a complete copy of all available geophysical logs run on the well; and
 - 2) submit a copy of the initial Completion Report or casing and cementing records of the well; and
 - 3) establish external mechanical integrity in accordance with Section 240.770(c) of this Part.
- b) Schematic Diagram
The applicant shall submit a schematic diagram of the proposed injection well showing:

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- 1) the total depth and plugged back depth of the well;
 - 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
 - 3) the sizes and depths of all casing in the well, and any additional casing to be used in the well;
 - 4) the amount of cement used for each string of casing in the well, and any additional cement to be used in the well;
 - 5) the size of the tubing and setting depth of the packer;
 - 6) the top and bottom depths of all perforated intervals in the casing; and
 - 7) the geologic name and the depth of the top and bottom of the proposed injection interval.
- c) Proposed Injection Rate
The applicant shall submit the proposed injection rate expressed in average barrels per day.
- d) Injection Fluid
The applicant shall submit the depth and geologic name of the formation(s) from which the injection fluid is to be obtained, a standard laboratory analysis of a representative sample of the fluid to be injected and the date the sample was obtained. The sample shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The sample shall be obtained and analyzed no earlier than one (1) year prior to the date of filing of the application.
- e) Proposed Maximum Injection Pressure
1) The applicant shall submit the proposed maximum injection pressure in accordance with the following formula:

$$M.I.P. = (.80 - (.433 \times Sp.Gr.)) \times Depth - 14.7$$

where

M.I.P. = maximum allowable injection pressure

Sp.Gr. = specific gravity of the injection fluid

Depth = depth of the top of the injection interval

- 2) If the proposed maximum injection pressure exceeds the amount calculated in accordance with subsection (e)(1) above, the applicant shall submit the most recent information showing that the proposed maximum injection pressure will not initiate or propagate fractures in the injection interval or overlying strata that could enable the injection fluid or the fluid in the injection interval to leave the permitted injection intervals. The types of information that will be considered acceptable by the Department include, but are not limited to:
 - A) A copy of the ticket and pressure chart from a "frac" or "acid" treatment in the injection interval in the proposed well, or from of the same interval or a stratigraphically

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higher interval from a well within 1 mile of the proposed in a---nearby well, which shows the instantaneous Shut-In Pressure (ISIP). The maximum allowable injection pressure shall be ten-percent- $\frac{1}{10}$ less than the ISIP measured at the surface unless the specific gravity of the treatment fluid is less than the specific gravity of the proposed injection fluid, in which case the ISIP shall be measured at the injection interval.

B) The results of step rate test from the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval in a well within 1 mile of the proposed well tests which shows that the proposed maximum injection pressure will not propagate fractures allowing the injection fluid to migrate out of the permitted injection interval. The maximum allowable injection pressure shall be 10% less than the pressure, measured at the surface, at which the formation broke during the test.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.360 Area of Review

- a) The area of review shall include all wells located within one-fourth $\frac{1}{4}$ mile of the proposed Class II UIC well, including directional γ and horizontally drilled wells, which penetrate the injection interval within one-fourth $\frac{1}{4}$ mile of the proposed Class II UIC well.
- b) The applicant shall submit evidence that all wells which penetrate the injection formation within the area of review contain an adequate amount of cement and are constructed or plugged in a manner which will prevent the injection fluid and the fluid in the injection formation from entering the freshwater zone. The types of evidence that will be considered acceptable by the Department include, but are not limited to: well completion reports, cementing records, well construction records, cement bond logs, tracer surveys, oxygen activation logs, and plugging records.
- c) The applicant shall submit evidence for all wells which penetrate the injection formation within the area of review and which are determined by the Department to contain an inadequate amount of cement or are inadequately constructed or plugged, that injection into the proposed well and formation will not cause contamination of the freshwater zone. If well fluid level measurements are required as part of the submitted evidence, the fluid level measurements shall be witnessed by a Department Well Inspector. The Department shall have the authority to determine if the submitted information is acceptable as showing that the freshwater zone will not be contaminated through said well(s).

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.380 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit.
- b) A permit may ~~shall~~ not be issued to an applicant not in compliance with Section 240.250(b) of Subpart B, where:
- 1) ~~the applicant has falsified--or--otherwise--misstated--any information on or relative to the permit application;~~
 - 2) ~~the applicant has failed to abate--a--violation of the Act specified in a final administrative decision of the Department;~~
 - 3) ~~an officer, director, partner, or person with an interest in the applicant exceeding--5%--failed to abate a violation of the Act specified in a final administrative decision of the Department;~~
 - 4) ~~the applicant is an officer, director, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department [Section 8a of the Act];~~
 - 5) ~~funds have been obligated--and--remain outstanding--from--the plugging and restoration fund to plug wells, under Subpart P, for which the applicant was a previous permittee or the applicant was an officer, director, partner or person with an interest exceeding 5% in a permittee for which funds were obligated, or~~
 - 6) ~~the applicant is delinquent in the payment of Annual Well Fees or is an officer, director, partner or person with an interest exceeding 5% in another permittee who is delinquent in payment of Annual Well Fees.~~
- c) permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 1 year from the date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set, conversion operations completed or well repermitted.
- d) Permits are not transferable prior to the drilling of the well.
- e) If during drilling the well is lost (collapsed casing or hole, etc.), the permittee is required to submit a new application, and receive a permit prior to drilling an offset well.
- f) The Department may ~~shall~~ revoke a permit in accordance with Section 240.251(a) of this Part ~~that was issued in error or if the application contained an error or misrepresentation.~~
- g) The Department shall notify the permittee of its intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (h) below.
- h) If a written objection to the revocation is filed within 30 days after the date of the notice:

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- 1) A pre-hearing conference shall be held within 15 days after the receipt after the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

- i) Simplify the factual and legal issues presented by the hearing request;
- ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
- iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
- iv) Set a hearing date; and
- v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conferences if such procedure is acceptable to all parties.

- 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.

i) At the hearing, the Department shall present evidence in support of its determination under subsection (f) above. The permittee may present evidence contesting the Department's determination under subsection (f) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

j) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.

k) The permittee's failure to request a hearing in accordance with subsection (h) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.385 Conversion of a Class II Well to a Water Well

Class II wells may not be converted to a livestock or domestic use water well that is required to have wells requiring a permit from the Illinois Department of Public Health. Class II wells converted to livestock or domestic use water wells prior to January 1, 1989 may remain in use provided the portion of the well extending below the base of the fresh water was plugged prior to January 1, 1989.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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SUBPART E: WELL DRILLING, COMPLETION AND WORKOVER REQUIREMENTS

Section 240.540 Drilling and Completion Pit Restoration

a) Sediment, drilling fluid circulation and reserve pits, except sediment pits used as completion pits, shall be filled and leveled within 6 months after drilling ceases. Drilling fluid wastes may be disposed of by on-site burial or surface application in accordance with subsection (b) of this Section at the site of drilling. Saltwater or Oil Drilling Fluid wastes shall be removed from the site and disposed of in an Illinois Environmental Protection Agency permitted special waste landfill, injected in a Class II well, disposed of in a well during the plugging process or buried in one of the lined pits and the liner folded over and an additional liner material added to completely cover the drilling waste and buried at least 5 feet below the ground surface.

b) If surface application is used for disposal of drilling fluid wastes (prohibited for Saltwater or Oil Based Drilling Fluids), the wastes shall be landspread, incorporated and stabilized to limit run off of storm water containing drilling fluid waste. Discharge of drilling fluid waste into surface waters or water drainage ways is prohibited.

c) Drilling pits used as completion pits in accordance with Section 240.530(c)(2) of this Subpart shall be filled and leveled within 6 months after completion activities cease. Newly constructed completion or workover pits shall be filled and leveled within 90 days after completion or workover activities cease. All completion or workover fluid wastes shall be removed from the pit and disposed of in a Class II Injection well (or in above ground tanks of containers pending disposal) prior to restoration. Any remaining residue not removed can be disposed of through on-site burial. Only residue from that particular well on which completion or workover activities were performed can be disposed of by on-site burial.

d) All drilling, completion and workover pits shall be filled and leveled in a manner that allows the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.820 Flowlines

a) All flowlines used in the production of oil and/or natural gas, constructed after November 8, 1993, shall be buried at least ~~thirty-six~~ 36 inches below the ground surface. The flowline may ~~shall~~ be exempt from these burial requirements upon Department

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approval if made-of-steel--and--either-of-the-following-conditions exist:

- 1) the flowline is made of steel; and
- 2) Either:
 - A) the topographical features, land uses or ground conditions prevent the efficient burial of flowlines; or
 - B) the terms of the oil and gas lease prohibit the burial of flowlines.

b) All flowlines that cross and are not buried under natural drainage features such as creeks, streams, rivers or intermittent streams or ravines shall be constructed in such fashion as to bridge the drainage feature to protect the flowlines from damage due to lack of adequate support, resulting in potential discharge.

c) The Department shall have the authority to take enforcement action (pursuant to Sections 240.140 through 240.170 of this Part) to require active requiring flowlines existing on the effective date of this rule to be replaced, or buried or constructed in accordance with subsection (b) of this Section or to require visible inactive or abandoned flowlines to be removed and the open ends sealed if the Department finds, based on field observation, that the flowlines constitute a hazard to public safety or can reasonably be expected to cause damage to the environment through leaks and spills.

d) No flowline conveying produced water shall have an outlet valve for the discharge of produced water between the place or well of origin and the authorized storage or disposal point.

e) Any spill from a flowline leak shall be cleaned up in accordance with Sections 240.890 and 240.895.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.840 Equipment Storage

a) Equipment debris shall not be stored on a lease or unit.

b) Other equipment not integrally related to production activities on a lease or unit shall not be stored on the lease except with the agreement of the current surface owner.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.860 Pits

a) "Pit", as used in this Section, is a synthetic lined or unlined earthen surface impoundment, whether a man-made excavation or a diked area which was or currently is used for temporary storage of liquid oil field waste or produced water prior to disposal.

b) Construction of pits other than those specified in Subparts E and K of

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this Part is prohibited.

c) All pits in existence on May 13, 1994 shall be closed, in accordance with subsection (e) below, by July 1, 1995 as follows, unless covered by subsection (d) below, or exempted for continued use in accordance with Section 240.861 or for an alternative use in accordance with Section 240.862.

d) Synthetic lined pits, permitted after May 12, 1989 and before May 13, 1994, shall be restored in accordance with subsection (e) within 5 years after the permit was issued.

e) Pits shall be restored as follows:

1) All oilfield brine and produced waters liquid-oilfield-waste shall be removed and disposed of in a Class II UIC well.

2) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b).

3) For pits required to be closed by July 1, 1995 and not exempted in accordance with Section 240.861, the pit residue, not disposed of in accordance with subsection (e)(1), and the pit liner, if any, shall either be:

A) removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill, provided that pit residue or liner containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety; or

B) consolidated from the sides to the bottom of the pit and covered in place with a clay or synthetic liner sufficient to impede the infiltration of surface water and placed at least 5 feet below the ground surface. The pit shall be backfilled and the pit residue covered with 5' of soil having a radioactivity level at or below background level with the upper most 18" consisting of clean soil not contaminated by oilfield brine or crude oil. The backfilled area shall be graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land use. The surface area over the backfilled pit area shall be stabilized to prevent erosion.

4e) The Department shall prepare an inventory identifying, by county, all closed and unclosed liquid oilfield waste or produced water storage pits. The Department shall file such notice in the county clerk's office in the county in which such pits are located. The notice shall specify the location of the pit, generally identify the nature of the materials buried and, if known, specify the radioactivity level of the material buried. If the radioactivity is not known, the notice shall specify that the buried oil and gas waste may contain Naturally Occurring Radioactive Material (NORM).

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.861 Existing Pit Exemption For Continued Production Use

a) Any pit in existence on May 13, 1994 does not have to be closed in accordance with Section 240.860(c) of this Part if presently constructed or an application to reconstruct was received withi-be reconstructed by July 1, 1995 as follows:

b) Pits not approved for reconstruction shall be restored within 6 months.

c) Pits exempted under this Part shall be presently constructed or reconstructed as follows:

- 1) The pit must be lined with a synthetic flexible liner that is compatible with the produced fluid and has a coefficient of permeability of no greater than 1×10^{-7} cm/sec and shall be at least 30 mils in thickness. Adjoining sections of liners must be sealed together in accordance with the manufacturer's specifications; and
- 2) The pit must be underlined by a gravel sub-base, at least 4" in thickness, in which slotted or perforated PVC pipe has been placed in order to provide for under pit drainage. This drainage system must be constructed to allow monitoring and sampling of fluid drainage from underneath the pit.

d) b) Applications for reconstruction shall be approved by the Department. All pits shall be permitted prior to reconstruction of the pit. Applications shall be on a form prescribed by the Department and which shall include the following:

- 1) A map drawn to scale showing the location of the pit relative to the lease boundaries, potable water wells and surface drainage located within 1/4 mile of the existing pit.
- 2) An engineering diagram of the construction specifications of the pit.

3) Soil types in the area of the pit.

4) Chemical analysis of produced water to be temporarily stored in the pit, showing TDS and chlorides.

5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the pit.

e) All reconstruction activities shall be under the supervision of a Department Well Inspector.

f) Following satisfactory completion of pit reconstruction activities, the Department shall issue a permit to operate.

g) b) All exempted existing pits shall be in compliance with the following:

- 1) Surface water drainage shall be diverted away from the pit.
- 2) Pit contents shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency (IEPA).

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3) The pit permit number and the name of the permittee must be posted at the pit location in a legible and visible manner.

4) All pits shall be covered with bird netting or other systems designed to keep birds and flying mammals from landing in the pit.

h) d) All exempted existing pits covered by this Section shall sample, quarterly, the fluid drainage from beneath the pit. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices, for review upon request, by the Department.

i) e) If the fluid analysis indicates a leak is present, the Department shall be notified within 5 days and the contents of the pit shall be emptied and properly disposed of and the pit liner repaired.

j) f) All exempted existing pits covered by this Section shall be subject to inspection by a Department well inspector. If requested at the time of the inspection, the pit shall be emptied in order to examine the integrity of the structure. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.

k) g) Pit Abandonment and Restoration Requirements for Exempted Pits

1) Prior to liner removal and burial of the pit:

A) All oilfield brine and produced waters liquid-oilfield-waste shall be removed and disposed of in a Class II UIC well.

B) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) of this Part.

C) Pit residue shall be removed from the site and disposed of at an IEPA permitted non-hazardous special waste landfill provided that pit residue containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.

2) The liner must be completely removed from the site and disposed of at a nonhazardous special waste facility permitted by the IEPA. The surface area shall be leveled and pit filled in such manner as to prevent the ponding of water and erosion and allow the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.870 Leaking Unpermitted Drill Hole

Where any fluids are potentially leaking into the fresh water freshwater as determined by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is

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located if such permittee is operating an injection well or has a permitted Class II well within the lease unit, or contiguous group of leases operated by the same permittee. If the Department receives overwhelming documented geologic and/or engineering evidence that the current permittee of the lease where the leaking drill hole is located is not causing the leak, the Department may require the adjacent permittee to plug the drill hole. Pending plugging of the well, all injection wells within a 1/4 mile radius of the leaking drill hole shall be shut-in until the leaking drill hole is plugged. The leaking or previously leaking drill hole shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.875 Leaking Previously Plugged Permitted Well

Where any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation, through a previously plugged permitted well, the well shall be replugged by the permittee responsible for plugging the well. If the permittee is no longer in existence or cannot be located, the well shall be plugged by the current permittee of the lease where the well is located. Pending plugging of the well, all injection wells within a 1/4 mile radius of the leaking well shall be shut-in until the leaking well is plugged. The leaking or previously leaking unpermitted well shall be plugged regardless of well status at the time of plugging.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.880 Initial Spill Notification

- a) Applicability
This Section covers spills of crude oil and produced water from tanks, pits, concrete storage structures, containment dikes and flowlines located within the boundaries of an oil and gas lease, unit, or underground gas storage field. Spills from flowlines beyond the lease, unit, or gas storage field boundaries are included if part of a flowline gathering system transporting produced fluids to a central collection point prior to connection or transfer to a crude oil or gas purchase pipeline. Spills from interstate pipeline or refined product pipeline are not included and are under the jurisdiction of the Illinois Environmental Protection Agency.
- b) ~~The following~~ **Spills** of crude oil in excess of 1 barrel, or produced water in excess of 5 barrels, onto the surface of the land (if not contained by containment dikes around tanks) shall be reported immediately to the Department's District Office responsible for the county where the spill occurred. The initial report shall contain at

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a. minimum:

- 1) the name of the permittee responsible for the spill; ~~spills-of-crude-oil-in-excess-of-one-ty-barrel; and~~
 - 2) the location of the spill; ~~spills-of-produced-water-in-excess-of-ten-ty-barrels;~~
 - 3) the amount of crude oil and saltwater spilled;
 - 4) the areal extent of the spill;
 - 5) the cause of the spill;
 - 6) proposed emergency clean-up action.
- c) All crude oil spills, regardless of amount, which enter streams, rivers, ponds, lakes, wetlands or other bodies of water, shall be reported immediately to the Illinois Emergency Management Agency (IEMA) and to the Department's District Office responsible for the county where the spill occurred.
- d) All spills which are not required to be reported in accordance with subsection ~~subsections~~ (a) or (b) above are subject to clean-up requirements of Section 240.890 and Section 240.895 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART I: LIQUID OIL FIELD WASTE AND SPILL RELATED WASTE HANDLING AND DISPOSAL

Section 240.905 Application for Permit to Operate a Liquid Oilfield Waste Transportation System

- a) No person shall operate a liquid oilfield waste transportation system without a permit from the Department.
- b) Application for a liquid oilfield waste transportation system permit under this Section shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable liquid oilfield waste transportation system permit fee of \$100.00 and the required bond under Subpart B of this Part.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to process the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within ~~sixty~~ 60 days following the date of notification.
- d) The application shall include:
 - 1) The name, address, and business and emergency telephone numbers of the proposed liquid oilfield waste hauler.
 - 2) A brief description of the vehicles to be used in the system; specifying whether vehicles will be owned, leased or otherwise arranged for.

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e) The application for a liquid oilfield waste transportation system permit shall be signed as follows:

- 1) If the system owner is an individual, the application shall be signed by the individual. If the system owner is a partnership, the application shall be signed by a general partner. If the system owner is a corporation, the application shall be signed by an officer of the corporation.
- 2) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the application.
- 3) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.926 Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements

- a) All liquid oilfield waste hauling vehicles (tanks) and associated piping and valves must be kept in leak free condition. Any person who gathers, handles, transports, or disposes of liquid oilfield waste without a liquid oilfield waste transportation permit or utilizes the services of an unpermitted person shall upon conviction thereof by a court of competent jurisdiction be fined not less than \$2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. When the violation is of a continuing nature, each day upon which a violation occurs is a separate offense. (Section 8c of the Act)
- b) Liquid Oilfield Waste Haulers shall only dispose of liquid oilfield waste in accordance with Subparts E and I. Liquid oilfield waste shall not be released on the ground surface or into any fresh water or water drainage-way.
- c) All liquid oilfield waste temporarily stored at a system facility shall be contained in tanks in accordance with Section 240.810 of this Part or concrete storage structures in accordance with Section 240.850 of this Part.
- d) Liquid oilfield waste shall not be commingled or blended with non-exempt waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976.
- e) No person shall engage, employ or contract with any other person except a Liquid Oilfield Waste Hauler to transport liquid oilfield waste.
- f) The Department may not issue a Liquid Oilfield Waste Transportation or

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Vehicle Permit or may revoke a Liquid Oilfield Waste Transportation or Vehicle Permit if:

- 1) The permittee fails to meet permit conditions; or
 - 2) The applicant or permittee is not in compliance with Section 240.250(b) of this Part. ~~the applicant has falsified or otherwise misstated information on or relative to the permit application;~~
 - 3) ~~the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;~~
 - 4) ~~an officer, director, partner, or person with an interest in the applicant exceeding 5% failed to abate a violation of the Act specified in a final administrative decision of the Department;~~ or
 - 5) ~~the applicant is an officer, director, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department;~~ (Section 8a of the Act)
- g) The Department may revoke a Liquid Oilfield Waste Transportation or Vehicle Permit in accordance with Section 240.251 of this Part.
- h) Failure to comply with provisions of the Act may result in forfeiture of the Liquid Oilfield Waste Transportation bond in accordance with Section 240.1530(b) through (g) of this Part and may be fined not less than \$2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. (Section 8c of the Act)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1130 Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells

- a) Any inactive production well which has not been in operation for 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c) of this Part, and plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned and Future Use status is approved in accordance with subsection (c) below.
- b) Any Class II UIC well(s) without tubing and packer shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned and Future Use status is approved in accordance with subsection (c) below.
- c) The permittee may request Future Use temporary abandonment status by making written application on forms provided by the Department. The Department shall place the well on temporary abandonment status for an initial 5 year period and issue a Future Use Permit, if the well meets the following conditions (which shall be continuing requirements):
 - 1) The well shall have proper bond in effect in accordance with the

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Act, the permittee must not be delinquent in payment of any annual well fee assessment.

- 2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.

- 3) If the well is an injection well, as defined in subsection (b) of this Section, all-injection lines shall be disconnected at the well.

- 4) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections (c)(6) and (7) below do not apply.

- 5) The wellhead shall be above ground level.

- 6) The fluid level is no higher than 100 feet below the base of the fresh water as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually during the initial 5 year period of temporary abandonment unless the permittee elects to satisfy the requirements of subsection (c)(7)(B) or (C) below.

- 7) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water, the permittee, under the supervision of the Department, shall:
 - A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the fresh water zone, and monitor the fluid level annually in accordance with subsection (c)(6) above; or
 - B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes at least once every 5-years-during-any period-of-temporary-abandonment; or
 - C) install tubing and set a packer in accordance with the requirements of Section 240.740, and conduct and pass an internal mechanical integrity test in accordance with Section 240.760 of this Part.

- d) If a Future Use request is denied for a well within the initial 5 year Future Use status period, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved a Future Use Permit.

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- e) Future Use status shall not be extended beyond an the initial 5 year cumulative period of time over the life of for a Class II UIC well. At the end of the 5 year cumulative period the well shall be plugged in accordance with Subpart K of this Part, successfully tested in accordance with Section 240.760 of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) of this Section. If the Class II well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.

- f) A Class II well during the initial 5 year Future Use status period may not be converted to a water supply or observation well, prior to performing a successful mechanical integrity pressure test in accordance with Section 240.760(g). Future-Use status shall be granted for an initial 5-year-period. After the expiration of the initial 5 year-period, Future-Use status for production wells may be extended on an annual basis in accordance with Section 240.760. At the end of the initial 5-year period the well shall be plugged in accordance with Subpart K of this Part, successfully tested in accordance with subsection (c)(7)(B) above or Section 240.760 of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) above. If the Class II well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.

- g) Class II wells in Future Use status for less than 5 years as specified in subsection (c) of this Section shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240.760 of this Part. Future-Use status shall not be terminated until the well is active for a period of one year and a Future-Use termination request is approved by the Department. Future Use termination requests shall be on a form prescribed by the Department and shall be accompanied by evidence of the sale of oil or natural gas during the preceding 12 month period. Injection or disposal wells shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240.760 of this Part.

- i) After the expiration of the initial 5 year period, the permittee of wells on Future Use status, which are located in a producing unit or on a producing lease, will be granted, upon request, an annual extension of Future Use status provided the wells remain in compliance with subsection (c) of this Section and the lease or unit remains in

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production. Future Use status for production and observation wells shall be granted for an initial 5 year period. After the expiration of the initial 5 year period, the permittee of wells on Future Use status on a non-producing lease or unit shall be denied an extension of Future Use status and the wells shall be plugged within 6 months from the date of the denial unless Future Use status is requested, in accordance with Section 240.1131 of this Part, within 60 days. The person's or permittee's failure to request Future Use extension, in accordance with Section 240.1131 of this Part, shall constitute a waiver of all legal rights to contest the Future Use request denial decision, which shall become a final administrative decision pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1131 Extension of Future Use Status for Production Wells

- a) The permittee of wells on Future Use status, which are located in a producing unit or on a producing lease, will be granted, upon request, an annual extension of Future Use status provided the well remains in compliance with Section 240.1130(c) and the lease or unit remains in production.
- a)b) The permittee of wells on Future Use status and other inactive producing or injection wells that are required to be in Future Use status in accordance with Section 240.1130(a) of this Part and are wells located on the same in a non-producing unit or on a non-producing lease shall petition the Department for Future Use extension within 60 days after denial of a Future Use request following the expiration of the initial 5 year period. Require submission by the permittee and review by the Department of the following information prior to extension of Future Use status:
- b) The petition for Future Use extension shall contain:

- 1) Cumulative production from the well on Future Use status for the unit or lease where the Future Use status well and other non-producing wells are located;
 - 2) Production records for the past 5 years for all wells on the unit or lease;
 - 3) Estimated remaining reserves with supporting documentation and a description of the reservoir geology underlying the unit or lease; and
 - 4) Future plans for all wells on the unit or lease the well.
- c) Upon receipt of the petition, the Department shall review the documentation to determine the status of the other inactive wells on the non-producing unit or lease, which shall be subject to all Future Use extension requirements, and schedule a hearing. Wells not approved for extension of Future Use status shall be plugged within 6 months from the date of denial unless the permittee requests a hearing in

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accordance with subsection (d) below.

- d) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois. A permittee may request a hearing to challenge a Future Use extension denial if such hearing is requested in writing within 30 days after the date of the denial of the Future Use extension notice. All requests for hearing must be accompanied by documents evidencing basis for objection, if no hearing is requested in this time period, the Future Use extension denial shall be a final administrative decision of the Department and the well shall be plugged in accordance with subsection (c) above. If a hearing is requested by the permittee:
- 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - 1) Simplify the factual and legal issues presented by the hearing request;
 - 2) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - 3) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - 4) Set a hearing date; and
 - 5) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
 - B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
 - 2) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois.
- e) A pre-hearing conference may be held after the receipt of the request for hearing.
- 1) A pre-hearing conference shall be scheduled in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - D) Set a hearing date; and
 - E) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
 - 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- f) At the Future Use extension denial hearing, the permittee Department

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240.1500 of this Part.
"Proposed New Permittee" means the individual or entity acquiring the well or wells and the right to drill and/or produce said well(s), the full rights and responsibilities for operating the well(s) in accordance with the Act, and the current obligation to plug said well(s), and who as owner in accordance with the Act is required to hold the permit and who is required to maintain a bond in accordance with Section 240.1500 of this Part.

d) "New Base Lease base-lease", as used in this Subpart, refers to a lease executed by the mineral owner and new permittee for a tract of land containing production and/or injection wells previously operated pursuant to a lease held by the current permittee.

e) "Operator" means the individual or entity controlling the right to drill and/or produce said well(s), has the full rights and responsibilities for operating the well(s) along with the obligation to ultimately plug said well(s) under an operating agreement with the owner(s) in interest.

f) "Operating Agreement" means a written document which conveys or grants the right to drill and/or produce certain well(s), along with the full rights and responsibilities for operating the well(s) as well as the current obligation to plug said well(s); requires the transferee or grantee to comply with all requirements of the Act including the payment of annual well fees; and requires the transferee or grantee to add said well(s) to the Operator's Annual Well Fee listing with the Department of Mines and Minerals by becoming the permittee permittee for the well(s).

g) "PRF Well" means a well designated as abandoned in accordance with Subpart P of this Part and that has been placed in the Plugging and Restoration Program established under Section 19.6 of the Illinois Oil and Gas Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1410 Applicability

a) The provisions of this Subpart apply to all assignments, transfers (whether voluntary or involuntary) and sales of the interest of the individual or entity required to hold and to whom the permit is issued (permittee), including:

- 1) a change of ownership of the right to drill and/or produce said wells, along with the full rights and responsibilities for operating the wells in accordance with the Act and the obligation to ultimately plug said wells through assignment, voluntary release, corporate or other business takeover, buyout, merger or similar transaction, involuntary termination of lease rights by court order, new base lease, sale, gift, devise or other transfer; or

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shall present evidence in support of the Future Use status extension request its determination under subsection (b) above. The Department may ask questions or request additional information from the permittee during the hearing the permittee may present evidence contesting the Department's determination under subsection (b) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of materials, compel discovery, and take evidence.

g) Within 30 days after the close of the record for the Future Use extension denial hearing, the hearing officer shall issue a final administrative decision, pursuant to Section 10 of the Act.

h) If Future Use status is approved, all other inactive wells on the non-producing unit or lease shall be placed in the same status as the well for which the Future Use status extension was approved.

i) Wells not approved for extension of Future Use status and all other inactive wells located on the same non-producing unit or lease as specified in subsection (a) of this Section, shall be plugged within 6 months from the date of the Department's final administrative decision.

g) The person's or permittee's failure to request a hearing in accordance with subsection (d) above shall constitute a waiver of all legal rights to contest the Future Use denial decision. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the hearing officer shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1400 Definitions

As used in this Subpart:

a) "Current Permittee" means the individual or entity required to hold the permit or to whom the permit has been issued and who is the owner of the right to drill and/or produce said well(s), possesses the full rights and responsibilities for operating the well(s) in accordance with all requirements of the Illinois Oil and Gas Act [225 ILCS 725] ("Act") and has the current obligation to plug said well(s), who is the assignor, transferor (whether voluntary or involuntary) or seller of the well or wells.

b) "New Permittee" means the individual or entity acquiring the well or wells and the right to drill and/or produce said well(s), the full rights and responsibilities for operating the well(s) in accordance with the Act, and the current obligation to plug said well(s), and who as owner in accordance with the Act is required to hold the permit and who is not required to maintain a bond in accordance with Section

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- 2) a change in the designation of the operator or manager under an operating or other similar agreement in which the owner of the right to drill and/or produce said wells, along with the full rights and responsibilities for operating the wells in accordance with the Act and the obligation to ultimately plug said wells assigns that right; or
- 3) pursuant to the action of the owners of separate interests who designate an owner to be permittee; or
- 4) the appointment, by a court of competent jurisdiction, of a trustee or a receiver to exercise custody and control over the well or wells, including the right to drill and/or produce said wells along with the full right and responsibilities for operating the wells.
- b) The provisions of this Subpart shall not apply to the assignment, transfer or sale of royalty, overriding royalty or fractional working interests not affecting the rights or responsibilities of the permittee.
- c) The provisions of this Subpart shall also apply to transfers of PRF wells to a person or entity requesting to be permittee in accordance with the Act and to administrative record correction transfers initiated by the Department in which the Department transfers the permit or to a well to the person who is required to be the permittee for that well under the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1420 When Notification to be Made

- a) Notification shall be given to the Department, on a form prescribed by the Department, of the assignment, transfer or sale of any permitted well or any well required to be permitted under the Act ~~shall be made~~ within 30 days after the effective date of the assignment, transfer or sale. New permittees that acquire the right to operate wells pursuant to either a voluntary release, involuntary termination of lease rights by court order or new base lease shall apply for and receive a permit transfer from the Department prior to operating such wells.
- b) New permittees may operate wells covered by the notification of transfer in accordance with Section 240.1460(d) of this Part.
- c) New permittees that acquire the right to operate wells pursuant to either a voluntary release, involuntary termination of lease rights by court order, or a new base lease shall apply to and receive a permit transfer from the Department prior to operating the wells. If the wells requested to be transferred are PRF wells, the new permittee shall be in compliance with Section 240.1465 of this Part prior to operating the well.
- d) Proposed new permittees shall not operate wells or PRF wells covered by the notification of transfer until a bond has been submitted and

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accepted in accordance with Section 240.1500 of this Part and the transfer request approved by the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1425 Authority of Person Signing Transfer Notification

- a) The notification to transfer a permitted well or a well required to be permitted under the Act shall provide information to indicate whether the owner of the right to drill and to operate the well is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner unless such information is currently on file with the Department.
- b) If the owner is an individual, the notification shall be signed by the individual. If the owner is a partnership, the notification shall be signed by a general partner. If the owner is a corporation, the notification shall be signed by an officer of the corporation.
- c) In lieu of the signature of the owner or such authorized person, the notification may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the notification.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.1430 Responsibilities of Current Permittee

- a) The current permittee shall notify the Department of the assignment, transfer or sale on a form prescribed by the Department, ~~unless the transfer was due to an involuntary termination of lease rights by court order. The new permittee shall notify the Department of an involuntary well transfer.~~ A separate form shall be completed for each lease, well, or other unit assigned, transferred or sold. The notification shall be signed, under penalty of perjury, by the current permittee ~~and by the new permittee or the permittee's authorized representatives, and shall include:~~
- a) the names and addresses of the current permittee and the new permittee;
- b) the effective date of assignment, transfer or sale;
- b) The Department may request copies of the lease assignment, voluntary release, court order involuntarily terminating a lease, or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question, if these documents are not provided by the new permittee or proposed new permittee.

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- d) the name, location, and permit number of all wells on the lease or other unit assigned, transferred or sold for which a permit has been issued; and
- e) the location of any wells on the lease or other unit assigned, transferred or sold known to the current permittee for which no permit has previously been issued.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1440 Responsibilities of New Permittee or Proposed New Permittee

Prior to the Department effecting the transfer, the new permittee or proposed new permittee shall:

- a) pay the required non-refundable transfer fee as follows: A fee of \$15 per well shall be paid by the new owner for each transfer of well ownership, except that when multiple wells are acquired and transferred as a part of the same transaction, the fee shall be calculated at the rate of \$15 per well for the first 50 wells, and \$10 for each additional well in excess of 50 wells;
- b) provide the required bond, if applicable, in accordance with Subpart 0;
- c) if the new permittee is a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois, and authorized under its charter to engage in the permitted activity;
- d) if the new permittee is an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois; and
- e) if issued, submit an FEIN number;
- f) submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
- 1) a lease assignment properly recorded in the county where the lease is located; or
 - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located or a court order involuntarily terminating a lease; or
 - 3) a court order involuntarily terminating a lease; or
 - 4) any other document evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well(s) on the land in question;
- g) if the transfer request is for a PRF well, the new permittee or proposed new permittee shall comply with Section 240.1665 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 240.1460 Other Conditions for and Effect of Issuance or Transfer of Permit to Operate

- a) No permit shall be issued to or transferred to a new permittee or proposed new permittee where:
- 1) the applicant has falsified or otherwise misstated any information on or relative to the permit application;
 - 2) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;
 - 3) an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner, or person with an interest exceeding 5%, in another entity that failed to abate a violation of the Act specified in a final administrative decision of the Department; or
 - 4) the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department (Section 8a of the Act);
 - 5) funds have been obligated and remain outstanding from the Plugging and Restoration Fund to plug wells, under Subpart P of this Part, for which the applicant new permittee was a previous permittee, or the applicant new permittee was an officer, director, partner, or person with an interest exceeding 5%, in a permittee for which funds were obligated; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee for which funds were obligated; or
 - 6) the new permittee is delinquent in the payment of Annual Well Fees; or the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.
- b) The entity or person to whom the permit is transferred or issued shall be called the permittee and shall be responsible for all regulatory requirements relative to the well.
- c) When the requirements of this Subpart have been satisfied, and subject to subsections (d) and (e) below, the Department shall render permit transfer decisions based upon the manner in which the new permittee or proposed new permittee came into possession of the wells sought to be transferred. Specifically:
- 1) the new permittee or proposed new permittee requesting the transfer who is the mineral owner:
 - if the new permittee or proposed new permittee owns the mineral

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rights to the tract of land on which production or injection wells subject to a prior lease are located and came into possession of the right to operate such wells by virtue of a voluntary release or involuntary termination of lease rights by court order, this new permittee shall become responsible for all regulatory requirements relative to:

- A) only those each production wells well identified in the new permittee's permit transfer request application;
- B) all wells in existence within the prior lease if the new permittee or proposed new permittee seeks to operate any of the injection wells located within this leasehold, convert any production well to an injection well or drill a new injection well; and
- C) all pits, concrete storage structures, tank batteries and other surface production facilities in existence within the lease boundaries.

- 2) the new permittee or proposed new permittee requesting the transfer is a new base lessee:

if the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a new base lease, the this new permittee or proposed new permittee shall provide documentation indicating the termination of the original lease and shall become responsible for all regulatory requirements relative to only the wells identified within the new base lease document except that:

- A) the new permittee shall only become responsible for all regulatory requirements relative to the wells identified on the notification of transfer form submitted in accordance with Section 240.1430 of this Part; and

A) if the new base lease conveys the right to produce from all formations, and the new base lessee permits or operates any injection well located within the tract of land being leased, converts any production well to an injection well or drills a new injection well within this area, the this new base lessee permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within such tract of land and all wells producing from or open to the formation into which injection will occur; or

B) if the new base lease conveys the right to produce from specified formations only, and the new base lessee specifies permits or the permittee operates any injection well located within the formations specified in the new base lease, converts any production well to an injection well or drills a new injection well to the specified formations, this new base lessee permittee shall become responsible for all regulatory requirements relative to all wells drilled to and completed in the same formation as the injection well, and

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all concrete storage structures, pits and tank batteries in existence relative to that formation.

- 3) a new permittee or proposed permittee requesting the transfer who is an assignee:

if the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a lease assignment or appointment, by a court of competent jurisdiction, as trustee or receiver, in accordance with Section 240.1410(a)(4) of this Part, this new permittee or proposed new permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within the lease hold being assigned.

- c) If any well, or any lease or other unit associated with the well, is in violation of the Act or this Part at the time of the transfer to the new permittee or proposed new permittee, the new permittee or proposed new permittee shall be notified of the violations and the amount of time allotted by the Department for abatement.

- d) The current permittee (Seller) is not liable for any violation of the Act caused by the actions of the new permittee (Buyer) during the permit transfer process, after notice is given to the Department by the current permittee of the pending transfer. However, if the transfer is denied by the Department, the current permittee assumes all responsibility for the violations of the Illinois Oil and Gas Act caused by the proposed new permittee. Nothing in this subsection (d) shall affect the contractual rights and obligations of the Seller and Buyer.

- e) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and this Part. Any cause of action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.

- f) A current permittee or new permittee or proposed new permittee may request a hearing in accordance with Section 240.1490 to challenge the Department's a permit transfer decision.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1465 Condition for and Effect of Transfer of PRP Wells

- a) When a transfer request is received for a PRP well or wells, the following documentation must be submitted by the new permittee or proposed new permittee:

- 1) a signed new base lease properly recorded in the county where the well(s) are located; and
- 2) a copy of an affidavit of non-production signed by the mineral

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owner(s) and properly recorded in the county where the well(s) are located, or a court order terminating the lease on which the well(s) are located.

- b) Upon review and acceptance of the transfer documents and prior to approval of the transfer request, the new permittee or proposed new permittee shall be required to:

1) pay a salvage value for the downhole well equipment as follows (wells older than 30 years from the date drilled, as shown in Department files, shall be deemed to have \$0 salvage value):

A) \$50 per well for wells 750 feet or less in depth; and

B) \$100 per well for wells greater than 750 feet but less than 2000 feet in depth; and

C) \$250 per well for wells 2000 feet and greater in depth; and

2) pay a salvage value for the tanks, pumping units, and other related equipment, as determined by submission of 2 independent salvage value estimates from commercial salvage oil and gas production equipment dealers and approved by the Department; and

3) pay the fair market value per barrel, to be determined at the time of the transfer approval, for all oil fluids (hydrocarbons) stored on the lease or unit.

c) All payments shall be by cashier's checks, payable to the Department of Natural Resources, Plugging and Restoration Fund.

d) The Department has sole discretion to approve or deny requests for transfer of PRF wells. If, upon review of a transfer request for PRF wells, the Department determines that property rights or environmental or public safety and welfare concerns will be advanced through plugging of the PRF well, in accordance with Section 19.1 of the Act, the transfer request may be denied.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.1470 Revocation of Permit to Operate Transfer

- a) The Department may shall revoke a permit to operate transfer if:

1) The transfer of the permit to operate was issued in error; or

2) The current permittee fails to maintain permit conditions; or the applicant--falsified-or-otherwise-misstated-any-information-on-or relative-to-the-transfer-request;

3) The current permittee is not in compliance with Section 240.1460(a) of this Part. The--applicant--failed--to--abate-a violation-of-the-Act-specified-in-a-final-administrative-decision of-the-Department;

4) an-officer--director--partner--or-person-with-an-interest-in--the applicant--exceeding--5%--failed--to--abate-a-violation-of-the-Act specified-in-a-final-administrative-decision-of--the--Department; or

5) the applicant is an officer, director, partner, or person with an

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interest--exceeding--5%--in-another-entity-that-has-failed-to-abate a-violation-of-the-Act-specified-in--a-final--administrative decision-of-the-Department; (Section-8a-of-the-Act)

- b) The Department shall notify the permittee of its intent to revoke a permit to operate transfer effective 30 days from the date of notice unless a hearing is requested in accordance with Section 240.251(c) of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1480 Involuntary Administrative-Record-Correction Transfer

a) The Department may administratively transfer a permit to a person required to be the permittee under the Act when the Department determines, based on records or documents of title submitted to or collected by the Department that may indicate that the current permittee of the well or wells is not the owner of the well or wells as defined in the Act.7-and;

1) the actual sale--assignment--or--similar--transfer--transaction between-the-parties-occurred-before-September-26-1991--or the--transfer--was--not--made-by-the-Department-due-to-a-clerical oversight-during-a-previous-transfer;

b) The new permittee or proposed new permittee shall pay the required transfer fee for transfers occurring under the provisions of this Section that are dated after September-26-1991.

c) Transfers occurring under the provisions of this Section shall not be subject to the requirements of Section 240.250(b) 240.1460(a) of this Part.

d) Prior to operating the transferred wells the permittee must provide a bond, if required, in accordance with Section 240.1500(a)(1) and (2).

e) Upon determination of an Involuntary Administrative-Record-Correction Transfer, the Department shall notify the current and new permittees that of the pending administrative transfer which will be effective 30 days from the date of notice unless a hearing is requested in accordance with Section 240.1490 below.

f) Following the completion of the administrative transfer, the person to whom the well or wells were transferred shall immediately become responsible for all regulatory requirements under the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1485 Administrative Record Correction

- a) The Department may administratively correct a permit to reflect the person or entity required to be the permittee under the Act, when the Department determines, based on Department records, that the transfer

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was not made by the Department due to an administrative oversight during a previous transfer.

- b) The new permittee or proposed new permittee under this Section shall pay the required transfer fee for the record correction if the date of the original transfer occurred after September 26, 1991.
- c) Record corrections occurring under the provisions of this Section shall not be subject to the requirements of Sections 240.1460(a) and 240.1500(a)(1) and (2) of this Part.
- d) Upon determination of an Administrative Record Correction, the Department shall notify the current and new permittees of the correction, which will be effective immediately, the new or proposed new permittee shall have 30 days from the date of notice to request a hearing to contest the record correction in accordance with Section 240.1490 of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 240.1490 Transfer Hearings

a) A current or proposed new permittee may request a hearing to challenge a permit transfer or denial decision if such hearing is requested in writing within 30 days after the date of the transfer or denial notice. All requests for hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:

- 1) A pre-hearing conference may shall be held within 30 fifteen-(15) days after the receipt of the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion ~~thereof~~.
 - B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- 2) All hearings under this Subpart N shall be conducted by an impartial hearing officer not employed by the Department and shall be held in the Department's offices located in Springfield, Illinois.

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- b) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (a) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses and production of those materials, compel discovery, and take evidence.
- c) Within ~~thirty-(30)~~ days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.
- d) The person or permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit transfer decision. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.
- e) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART O: BONDS

Section 240.1500 When Required, Amount and When Released

- a) To Drill, Deepen, Convert or Operate an Oil or Gas Well
 - 1) A bond, in the amount as herein provided, shall be submitted along with an application to drill, deepen, convert, operate or transfer a production or Class II well if:
 - A) such applicant was not an owner on September 26, 1991 of the right to drill and produce the well or wells in the transfer request; or
 - B) such applicant was not a permittee of record on September 26, 1991; or
 - C) such applicant has had a bond forfeited or is the subject of an unappealed, unabated Department final administrative decision requiring wells to be plugged ~~abandoned-well--Order for non-payment-of-annual-well-fees; or~~
 - D) such applicant was not assessed an annual well fee as of July 1 preceding the application date, unless applicant was a permittee of record of an unplugged well in the previous fiscal year and not the subject of an unappealed, unabated

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- Department final administrative decision; or
- E) such applicant has had funds expended and/or wells plugged on its behalf by the Department using funds from the Plugging and Restoration Fund; or
- F) such applicant is not an appointed trustee or receiver in accordance with Section 240.1410(a)(4) of this Part.
- 2) When a bond is required to be filed with the Department to drill, deepen, convert or operate an oil or gas well, the amount of the bond shall be:
- A) \$1,500 for a well less than 2000 feet deep;
 - B) \$3,000 for a well 2,000 or more feet deep;
 - C) \$25,000 for up to 25 wells of a permittee;
 - D) \$50,000 for up to 50 wells of a permittee; or
 - E) \$100,000 for all wells of a permittee.

3) Failure to provide the required bond will result in the issuance of a cessation of operations order in accordance with Section 240.185(b) of this Part.

4) A bond submitted pursuant to Section 240.1500(a) shall be released when:

- A) all wells covered by the bond are plugged and restored in accordance with Subpart N of these rules; or
- B) all wells covered by the bond are transferred in accordance with Subpart N of these rules; or
- C) the permittee has paid assessments to the Department in accordance with Section 19.7 for 2 consecutive years and such permittee is not in violation of the Act.

b) To Operate a Liquid Oilfield Waste Transportation System
The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oil field waste system shall be \$10,000. When requested by permittee, bond shall be released when the permittee ceases operation and this system and such permittee's system is not in violation of the Act.

c) To Drill a Test Hole
The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be \$2500 for each permit or a blanket bond of \$25,000 for all permits. The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715] or the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]. When requested by permittee, bonds shall be released when the hole or holes are plugged and restored in accordance with Section 240.1260 and the permittee is not in violation of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 240.1510 Definitions

- a) Bond means surety bond or other security in lieu thereof.
- b) Surety bond means an indemnity agreement in a sum certain payable to the Department, executed by the permittee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in Illinois. Surety bond does not include surplus line insurance procured by a surplus line producer.

- c) Other security means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the Department of one or more of the following:

1) ~~A cash account, which shall be the deposit of cash in one or more federally-insured or equivalently-protected accounts, payable only to the Department upon demand;~~

1) ~~An irrevocable letter of credit of any bank organized or authorized to transact business in Illinois, payable only to the Department upon presentation;~~

2) ~~Certificates of deposit, drawn on a federally insured bank, made payable or assigned to the Department and placed in its possession.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1520 Bond Requirements

a) Form

Bonds shall be in such form and content as the Department prescribes, payable to the "Illinois Department of Natural Resources ~~Mines and Minerals.~~"

b) Conditions Generally

1) Each bond shall conform with the requirements of the Act and this Part and with the declared purpose for which the bond is required.

2) Bonds shall remain in effect until the obligations for which it is given have been satisfied and the bond has been released by the Department, pursuant to the Act and this Subpart.

c) Surety Bond Requirements

1) Bonds shall be signed by the permittee as principal, and by a good and sufficient corporate surety, authorized to transact business as a surety in Illinois.

2) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than ~~ninety~~ 90 days notice to the Department. Such notice shall be served upon the Department in writing by registered or certified mail to the Department's Springfield offices.

3) Prior to the expiration of the ~~ninety~~ 90 days notice of cancellation, the permittee shall deliver to the Department a

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replacement bond. If such bond is not delivered, all activities covered by the permit and bond shall cease at the expiration of the ninety-t 90 day period.

- 4) If the license to transact business in Illinois of any surety upon a bond filed with the Department shall be suspended or revoked, the permittee, within thirty-t 30 days after receiving notice thereof from the Department, shall make substitution by providing a surety bond or other security as required by this Subpart. Upon the failure of the permittee to make the substitution of bond, all activities covered by the permit and bond shall cease until substitution has been made.

d) Other Securities Requirements

- 1) Letters of credit shall be subject to the following conditions:

A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentment in Illinois.

B) Letters of credit shall be irrevocable during their terms.

A) A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least thirty-t 30 days before its expiration date.

C) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 240.1530.

D) The Department shall not accept a letter of credit in excess of ten-percent-t 10% of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation.

E) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.

- 2) Certificates of deposit shall be subject to the following conditions:

A) The Department shall require that certificates of deposit be made payable to or assigned to the Department both in

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writing and upon the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.

B) The Department shall not accept an individual certificate of deposit in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

C) Any interest accruing on a certificate of deposit shall be for the benefit of the permittee except that accrued interest shall first be applied to any prepayment penalty when a certificate of deposit is forfeited by the Department.

D) The certificate of deposit, if a negotiable instrument, shall be placed in the Department's possession. If the certificate of deposit is not a negotiable instrument, a withdrawal receipt, endorsed by the permittee, shall be placed in the Department's possession.

3) Cash accounts shall be subject to the following conditions:

A) The Department may authorize the permittee to supplement the bond through the establishment of a cash account in one or more federally insured or equivalently protected accounts made payable upon demand to the Department.

B) Any interest paid on a cash account shall be returned to the permittee.

C) The Department shall not accept an individual cash account in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART Q: ANNUAL WELL FEES

Section 240.1700 Fee Liability

a) The Department shall assess fees during each fiscal calendar year for all permits of record as of July 1, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by the Department. The permittee for each well is responsible for paying the full assessed these annual fees in the amount amounts specified in Section 240.1705 below.

b) The permittee remains liable for the payment of such fees until:

- 1) the well or wells under permit to the permittee are plugged and restored; or
- 2) the well or wells have been transferred to a new permittee

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- 1) Heading of the Part: Information to be Submitted in a Compost Facility Permit Application
- 2) Code Citation: 35 Ill. Adm. Code 831
- 3) Section Numbers: Proposed Action:
831.107 Amended
831.109 Amended
- 4) Statutory Authority: 415 ILCS 5/21, 27, 28 and 39

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of June 17, 1998, in 897-29. After public hearings concerning a citizens' proposal, the Board proposed amendments to certain requirements for landscape waste compost facilities. Specifically, the Board proposed to amend 35 Ill. Adm. Code 830.203(c) so that the current 1/8 mile setback applied for residences would extend to (1) health care facilities, (2) primary and secondary schools and their associated recreational areas, and (3) pre-school and child care facilities and their associated recreational areas. The new setback requirements apply only to a compost facility developed or the permitted composting area of which is expanded after January 1, 1999.

The Board also proposed corresponding changes to permit application requirements for site location maps (35 Ill. Adm. Code 831.107) and other information (35 Ill. Adm. Code 831.109(b)(3)). Only facilities required to have a permit would be affected by the amendments to these permit application requirements. Section 831.107 currently requires that permit applications contain a site location map showing certain items. The Board proposed to add a requirement that this map also reflect any of the additional facilities within 1/8 mile of the nearest edge of the composting area. Section 831.109 currently requires that permit applications contain various information, including proof that the facility complies with location standards. The Board proposed to add a requirement that this information include proof of compliance with the proposed 1/8 mile setbacks. The amendments to the permit application requirements do not apply to on-site facilities, on-site commercial facilities, garden compost operations, or on-farm landscape waste compost facilities.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

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- pursuant to Subpart N.
- c) Liability for annual well fees ceases on the date when the well has been plugged and restored or on the effective date stated on the Department's Notification of Transfer Form.
- d) If a permittee fee check is returned due to insufficient funds or because payment was stopped, the permittee is required to repay fees for that fiscal year by cashier's check or money order.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1720 When Fees are Due

Well fees shall become due on September 1 of each year and shall be deemed delinquent if not paid by November 1 of each year. The Department may cease mailing the well fee bill to billing a permittee for annual well fees if such fees have been unpaid for three--t 3+ consecutive years. However, such permittee may not thereafter operate, permit or transfer wells within the State of Illinois without first paying all delinquent fees and associated civil penalties and submitting a bond in accordance with Subpart O.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1730 Opportunity to Contest Billing

- a) Permittees may contest the amount of fees or the wells for which the permittee is listed as the permittee of record as of July 1 by submitting a written objection to the billing on or before October 30 of each year. The objection must be accompanied by the full assessed amount.
- b) The objection must be in writing, signed by the permittee, or by an individual authorized to sign for the permittee, and must identify the nature of the objection. The written objection must include a statement of the facts supporting the objection and copies of any relevant assignments or other title documents.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 10) Statement of Policy Objectives: The policy objective of the proposed setbacks, which is furthered by the proposed amendments to the permit application requirements, is to minimize the potential health threat posed by certain fungal spores that may be released from landscape waste compost facilities at elevated concentrations. The Board proposed the setback amendments as a precaution and in accordance with the recommendations of public health experts. This rulemaking may expand a State mandate. The amendments to the permit application requirements would affect a local government (1) if it owns or operates a landscape waste compost facility and it is going to expand the facility's permitted composting area after January 1, 1999, or (2) if it is going to develop a landscape waste compost facility after January 1, 1999.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R97-29 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Richard McGill at the above address or at 312-814-6983.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The amendments to the permit application requirements of 35 Ill. Adm. Code 831.107 and 831.109(b)(3) would affect a small business (1) if it owns or operates a landscape waste compost facility and it is going to expand the facility's permitted composting area after January 1, 1999, or (2) if it is going to develop a landscape waste compost facility after January 1, 1999. Only facilities required to have a permit would be affected by the amendments to the permit application requirements. The amendments to the permit application requirements do not apply to on-site facilities, on-site commercial facilities, garden compost operations, or on-farm landscape waste compost facilities.

B) Reporting, bookkeeping, or other procedures required for compliance: In the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, the permit application must contain (1) a site location map showing all of the additional facilities (see Item 5 above) within 1/8 mile of the nearest edge of the composting area, and (2) proof of compliance with these new setback requirements.

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- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 831
INFORMATION TO BE SUBMITTED IN A COMPOST FACILITY PERMIT APPLICATION
SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL COMPOST FACILITIES

Section	Scope and Applicability
831.101	Severability
831.102	Certification by Professional Engineer
831.103	Application Fees
831.104	Required Signatures
831.105	Site Identification
831.106	Site Location Map
831.107	Site Plan Map
831.108	Narrative Description of the Facility
831.109	Legal Description
831.110	Proof of Land Ownership and Certification
831.111	Closure Plan
831.112	Financial Assurance
831.113	Operator-Initiated Modification of an Approved Permit
831.114	Modification to Obtain Operating Authorization
831.115	Permit Renewal
831.116	

AUTHORITY: Implementing Sections 5, 21, 22.33, 22.34, 22.35 and 39 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 39].

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SOURCE: Adopted at 18 Ill. Reg. 16942, effective November 30, 1994; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL COMPOST FACILITIES

Section 831.107 Site Location Map

All permit applications shall contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7 1/2 minute series (topographic), or on such other map whose scale clearly shows the following information:

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- The permit area and all adjacent property, extending at least 1/2 mile beyond the boundary of the facility;
 - The prevailing wind direction;
 - All rivers designated for protection under the Wild and Scenic Rivers Act (16 USC 8-8-e- 127 et seq.);
 - The limits of all 10-year floodplains;
 - All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act [525 ILCS 30];
 - All historic and archaeological sites designated by the National Historic Preservation Act (16 USC 8-8-e- 470 et seq.) and the Illinois Historic Preservation Act [20 ILCS 3410];
 - All areas identified as a critical habitat pursuant to the Endangered Species Act (16 USC 8-8-e- 1531 et seq.) and the Illinois Endangered Species Protection Act [520 ILCS 10];
 - All main service corridors, transportation routes, and access roads to the facility;
 - All residences and areas in which people congregate within 1/2 mile of the facility boundaries;
 - The locations of all on-site potable water supply wells and all potable water supply wells within 1/8 mile of the boundaries of the facility; and
 - The types of land use for the properties immediately adjacent to the facility (i.e., residential, commercial, industrial, agricultural, etc.). This must include any zoning classifications of these properties and the location (and function) of all buildings within 1/2 mile of the facility; and
- 1) In the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, all of the following within 1/8 mile of the nearest edge of the composting area:
- health care facilities;
 - primary and secondary schools and their associated recreational areas; and
 - pre-school and child care facilities and their associated recreational areas.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 831.109 Narrative Description of the Facility

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part and any other applicable Parts of 35 Ill. Adm. Code: Chapter I. Such description must include, but not be limited to, the following information:

- An estimate of the maximum annual volume and peak daily volume of landscape waste the facility will be able to process;
- Proof of the following:

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- 1) The facility includes a setback of at least 200 feet from the nearest potable water supply well;
- 2) The facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;
- 3) The facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991 the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility). In addition, in the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, the composting area is located at least 1/8 mile from each of the following:
 - A) health care facilities;
 - B) primary and secondary schools and their associated recreational areas; and
 - C) pre-school and child care facilities and their associated recreational areas; and
- 4) The design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site (Section 39(m) of the Act);
- c) An operating plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.206;
- d) An early detection or groundwater monitoring system design, in accordance with 35 Ill. Adm. Code 830.205(b)(1)(A)(iii) or 830.205(b)(2)(A)(iii);
- e) A contingency plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.212;
- f) Specification of the operating hours of the facility;
- g) The types of landscape waste that are proposed to be received by the facility;
- h) Descriptions of the storage areas (including their capacities) that will be used to stage the waste before windrowing, to store bulking agent(s) or additives and to store the end-product compost; and
- i) Description of personnel training procedures, satisfying the requirements of 35 Ill. Adm. Code 830.210.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for Compost Facilities
 - 2) Code Citation: 35 Ill. Adm. Code 830
 - 3) Section Numbers: Proposed Action:
830.203 Amended
 - 4) Statutory Authority: 415 ILCS 5/21, 27, 28 and 39
 - 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of June 17, 1998, in R97-29. On May 6, 1997, two citizens (proponents) filed a proposal with the Board to amend 35 Ill. Adm. Code 830.203(c). Section 830.203(c) contains location standards for composting areas at certain landscape waste compost facilities. Generally, proponents requested that the Board amend Section 830.203(c) to prohibit composting areas from being located within 1/2 mile of the property line of a hospital, school, athletic field, or public park, and to require that existing composting areas located within that setback distance be relocated. Proponents alleged that the amendments are necessary because these composting areas release spores into the air that present risks to human health, particularly spores of the fungus *Aspergillus fumigatus* (*A. fumigatus*). The Board held public hearings concerning this proposal.
- In its first notice opinion, the Board found that airborne *A. fumigatus* spores from compost facilities may occur at levels above background in nearby, downwind off-site areas. *A. fumigatus* spores pose a potential health threat to persons with asthma, cystic fibrosis, immunocompromised or immunosuppressed conditions, or bioaerosol allergies. Very young children are also potentially at greater risk because their immune systems are immature. Based on the presence of these susceptible individuals, the Board proposed to amend 35 Ill. Adm. Code 830.203(c) so that the current 1/8 mile setback applied for residences would extend to (1) health care facilities, (2) primary and secondary schools and their associated recreational areas, and (3) pre-school and child care facilities and their associated recreational areas. The new setback requirements apply only to a compost facility developed or the permitted composting area of which is expanded after January 1, 1999. The Board also proposed corresponding changes to permit application requirements for site location maps (35 Ill. Adm. Code 831.107) and other information (35 Ill. Adm. Code 831.109(b)(3)).
- The amendments to Section 830.203(c), like the current location standards of that Section, apply to on-site, on-site commercial, and permitted landscape waste compost facilities and do not apply to garden compost operations or on-farm landscape waste compost facilities.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Policy Objectives: The policy objective of the proposed setbacks is to minimize the potential health threat posed by certain fungal spores that may be released from landscape waste compost facilities at elevated concentrations. The Board proposed the amendments to 35 Ill. Adm. Code 830.203(c) as a precaution and in accordance with the recommendations of public health experts. This rulemaking may expand a State mandate. The amendments would affect a local government (1) if it owns or operates a landscape waste compost facility and it is going to expand the facility's permitted composting area after January 1, 1999, or (2) if it is going to develop a landscape waste compost facility after January 1, 1999.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R97-29 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Richard McGill at the above address or at 312-814-6983.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The amendments would affect a small business (1) if it owns or operates a landscape waste compost facility and it is going to expand the facility's permitted composting area after January 1, 1999, or (2) if it is going to develop a landscape waste compost facility after January 1, 1999. The amendments to Section 830.203(c), like the current location standards of that Section, apply to on-site, on-site commercial, and permitted landscape waste compost facilities and do not apply to garden compost operations or on-farm landscape waste compost facilities.

B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

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- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998
- The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 830

STANDARDS FOR COMPOST FACILITIES

SUBPART A: GENERAL PROVISIONS

Section	
830.101	Purpose, Scope and Applicability
830.102	Definitions
830.103	Incorporations by Reference
830.104	Exempt Operations and Activities
830.105	Permit-Exempt Facilities and Activities
830.106	On-Farm Landscape Waste Compost Facility
830.107	Compliance Dates
830.108	Severability

SUBPART B: STANDARDS FOR OWNERS AND OPERATORS OF LANDSCAPE WASTE COMPOST FACILITIES

Section	
830.201	Scope and Applicability
830.202	Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities
830.203	Location Standards for Landscape Waste Compost Facilities
830.204	Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities
830.205	Additional Operating Standards for Permitted Landscape Waste Compost Facilities
830.206	Operating Plan for Permitted Landscape Waste Compost Facilities
830.207	Salvaging at Permitted Landscape Waste Compost Facilities
830.208	Access Control at Permitted Landscape Waste Compost Facilities
830.209	Load Checking at Permitted Landscape Waste Compost Facilities
830.210	Personnel Training for Permitted Landscape Waste Compost Facilities
830.211	Recordkeeping for Permitted Landscape Waste Compost Facilities
830.212	Contingency Plan for Permitted Landscape Waste Compost Facilities
830.213	Closure Plan for Permitted Landscape Waste Compost Facilities

SUBPART E: QUALITY OF END-PRODUCT COMPOST

Section	
830.501	Scope and Applicability
830.502	Compost Classes
830.503	Performance Standards for General Use Compost

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830.504	Testing Requirements for End-Product Compost Derived from Landscape Waste
830.507	Sampling Methods
830.508	Off-Specification Compost

SUBPART F: FINANCIAL ASSURANCE

Section	
830.601	Scope and Applicability
830.602	Financial Assurance Plan
830.603	Written Cost Estimate
830.604	Financial Assurance Fund
830.605	Financial Assurance Mechanism
830.606	Financial Assurance Certification
APPENDIX A	Early Detection and Groundwater Monitoring Program
APPENDIX B	Performance Test Methods
TABLE A	Inorganic Concentration Limits for General Use Compost
TABLE B	Sampling and Handling Requirements
TABLE C	Seed Germination Record Sheet

AUTHORITY: Implementing Sections 5, 21, 22.33, 22.34, 22.35 and 39 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 39].

SOURCE: Adopted at 18 Ill. Reg. 17017, effective November 15, 1994; amended in R97-29 at 22 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: STANDARDS FOR OWNERS AND OPERATORS OF LANDSCAPE WASTE COMPOST FACILITIES

Section 830.203 Location Standards for Landscape Waste Compost Facilities

With the exception of on-farm landscape waste operations, all landscape waste compost facilities subject to this part shall comply with the following:

- The composting area of the facility must include a setback of at least 200 feet from the nearest potable water supply well. (Section 39(m) of the Act.)
- The composting area of the facility must be located outside the boundary of the 10-year floodplain or the site shall be floodproofed. (Section 39(m) of the Act.)
- The composting area of the facility must be located so as to minimize

POLLUTION CONTROL BOARD
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pursuant to the National Historic Preservation Act (16 USC 9-5-e-470 et seq.) or the Illinois Historic Preservation Act [20 ILCS 3410];

2) A natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or

3) A natural area has been designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act [525 ILCS 30].

1) The facility must not be located in any area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act (16 USC 9-5-e-1531 et seq.) or the Illinois Endangered Species Protection Act [520 ILCS 10].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area shall be located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility). (Section 39(m) of the Act.) In addition, in the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, the composting area shall be located at least 1/8 mile from each of the following:

- 1) health care facilities;
- 2) primary and secondary schools and their associated recreational areas; and
- 3) pre-school and child care facilities and their associated recreational areas.

d) If, at the time the facility permit application is deemed complete by the Agency pursuant to 35 Ill. Adm. Code 832, the composting area of the facility is located within 1/4 mile of the nearest off-site residence or within 1/2 mile of the nearest platted subdivision containing a residence, or if more than 10 residences are located within 1/2 mile of the boundaries of the facility, in order to minimize incompatibility with the character of the surrounding area, landscape waste must be processed by the end of the operating day in which the landscape waste is received into windrows, other piles or a contained composting system providing proper conditions for composting.

e) The composting area of the facility must be designed to prevent any compost material from being placed within 5 feet of the water table, to adequately control runoff from the site, and to collect and manage any landscape waste leachate that is generated on the site. (Section 39(m) of the Act.) Compliance with the water table distance requirement may be demonstrated by either of the following means:

- 1) Using published water table maps or other published documentation to establish the location of the water table in relation to site elevation; or
 - 2) Actual measuring of the water table elevation at least once per month for three consecutive months.
- f) The facility must meet all requirements under the Wild and Scenic Rivers Act (16 USC 8-5-e-1271 et seq.).
- g) The facility must not restrict the flow of a 100-year flood, result in washout of landscape waste from a 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as lagoons, holding tanks, or provision of drainage around structures at the facility.
- h) The facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:
- 1) An irreplaceable historic or archaeological site has been listed

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds
- 2) Code Citation: 8 Ill. Adm. Code 270
- 3) Section Numbers: 270.350
Adopted Action: Amendment
- 4) Statutory Authority: State Fair Act [20 ILCS 210] and Sections 40.14 and 16 of the Civil Administrative Code [20 ILCS 5/16 and 40.14]
- 5) Effective Date of Amendments: June 22, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 22, 1998
- 9) Notices of Proposal Published in Illinois Register: April 10, 1998, 22 Ill. Reg. 6280.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Pets will not be allowed in public areas of the fairgrounds during the Illinois State Fair in Springfield and the DuQuoin State Fair in DuQuoin with exceptions as noted in the proposed amendment to Section 270.350. Violation of the rule will be cause for the termination of any contract or privilege and for removal of the pet(s) and owner(s) from the fairgrounds.

16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Amendments begin on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 270

ILLINOIS STATE FAIR, AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
OPERATION OF THE STATE FAIRGROUNDS

SUBPART A: DEFINITIONS: POLICY: VIOLATION

Section

270.10

270.15

270.20

Definitions

Policy

Violation of Rules; Administrative Hearings

SUBPART B: CONCESSIONS AND EXHIBITS AT THE STATE FAIR

Section

270.25

270.30

270.35

270.40

270.45

270.50

270.55

270.60

Categories of Exhibits

Privilege to Operate a Concession or Exhibit

Application for Reassignment of Space

New Applications for Space Rental

Substitute Locations or Discontinuance of Contracts

Reassignment of Space by Department

Number of Stands Permitted

Policy Governing Exhibits/Concessions and Approval to Conduct

Business

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270.70

270.75

270.80

270.85

270.90

270.95

270.100

270.105

270.110

270.115

270.120

270.125

270.130

270.135

270.140

270.145

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270.155

270.160

Policy of Permitting Space Without Monetary Charge

Exercising Constitutional Freedoms

Assignment of Contracts

Inspection of Premises

Removal or Denial of Acceptance

Concessions and Exhibits Prohibited

Liquified Petroleum Gas

Merchandising Permits

Measuring Space

Electricity

Broadcasting Devices

Display of Exhibit or Concession Number

Protection of the Public and Lessee's Property

Distributing Literature or Display Advertising

Payment of Space Rental Contract

Operational Hours

Sales Prior to the State Fair

Sales During the State Fair

Property Shipped to the State Fair

Removal of Property

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Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
Inside Exhibits
Posting Food Prices
Clean-Up

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270.195

270.200

270.205

270.210

270.215

270.220

270.221

Public Health

Food and/or Drink Service Operations

Release Procedure

Security

Liability

Concessionaire's or Exhibitor's Trailers

Failure to Abide by Rules or Contract Provisions

Lessee's General Standard of Conduct

Emergency Closing

SUBPART C: HORSE RACING AT THE STATE FAIR

Section

270.225

270.230

270.235

270.240

270.245

Categories of Horse Racing

State Fair Colt Stakes Races

Review Futurity Races

Illinois Trotting and Pacing Colt Races

Quarter Horse Races

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

Section

270.250

270.255

270.260

270.261

Premiums Offered

Premium Books

Payment of Premiums

Land of Lincoln Breeders Awards for Purebred or Registered Livestock

SUBPART E: JUDGES: STATE FAIR

Section

270.265

270.270

270.275

Professional and Artistic Contracts

Judge's Salary

Selection of Judges

SUBPART F: CERTIFICATES OF AWARD: STATE FAIR

Section

270.280

Certificates, Ribbons and Trophies

SUBPART G: FEES FOR ADMISSION TO THE STATE FAIR

Section

270.285

270.290

Daily Admission Charge

Special Events

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270.295 Designated Days
 270.300 Gate Admission Charge Waived
 270.305 Schedule of Admission Charges and Fees
 270.310 Admission of Motor Vehicles
 270.315 Employees of Exhibitor/Concessionaire

SUBPART H: TRAFFIC CONTROL, PARKING AND CAMPING: STATE FAIR

Section
 270.320 Camping Location
 270.325 Fee for Camping
 270.330 Camping Sticker
 270.335 Removal of Illegally Parked Vehicles
 270.340 Extension Cords
 270.345 Traffic Control and Parking; Spraying Livestock Trucks

SUBPART I: MISCELLANEOUS RULES GOVERNING THE OPERATION OF
THE STATE FAIR

Section
 270.350 Pets
 270.355 Structures of Lessee
 270.360 Restrictions
 270.365 Intoxicating Beverages
 270.370 Grandstand Ticket Refunds
 270.371 Leasing Facilities During the State Fair

SUBPART J: NON-FAIR SPACE RENTAL:
BASIC RULES APPLICABLE TO ALL RENTALS

Section
 270.375 Non-Fair Availability Dates
 270.380 Application for Space
 270.385 Reassignment
 270.390 Compliance with State Law and Regulations
 270.395 Removal Rights or Denial of Acceptance
 270.400 Assigned Space
 270.405 Inspection
 270.410 Payment
 270.415 Tickets
 270.420 Facility Availability
 270.425 Parking
 270.430 Security
 270.435 Fire Regulations
 270.440 Tables and Chairs
 270.445 Clean-Up
 270.450 Alterations
 270.455 Insurance

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270.460 Discrimination
 270.465 Camping
 270.470 Concessions
 270.475 Delinquency
 270.480 Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
 270.485 Non-Exclusivity (Repealed)
 270.490 Lessee's General Standard of Conduct
 270.495 Criteria for Grant of Privileges
 270.500 Waiver of Applicable Rules (Repealed)
 270.505 Rate Schedules
 270.510 Limit on Duration of Contract
 270.515 Liquified Petroleum Gas

SUBPART K: NON-FAIR CONCESSIONS

Section
 270.520 Renter Rights (Repealed)
 270.525 Contract
 270.530 Interests of the Public
 270.535 Liability
 270.540 Health Laws
 270.545 Rates
 270.550 Inspection
 270.555 Payment Due

SUBPART L: CAMPING: NON-FAIR

Section
 270.560 Who May Camp
 270.565 Location
 270.570 Fee
 270.575 Camping Facilities
 270.580 Sticker
 270.585 Penalty
 270.590 Extension Cords

SUBPART M: HOUSE TRAILERS: NON-FAIR

Section
 270.595 Eligibility
 270.600 Misconduct
 270.605 Liability
 270.610 Rent and Rates For Other Services
 270.615 Payment Method

SUBPART N: HORSE OR CATTLE BARN, STALL AND
TACK ROOM RENTAL: NON-FAIR

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(Source: Amended at 22 Ill. Reg. effective
JUN 22 1998)

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Section
270.620 Rates
270.625 Rent Payable
270.630 General Stabling Rules: (Non-Contractual Events)
270.635 Reporting
270.640 Lessee Collection of Fees
270.645 Stall Use
270.650 Restriction to Assigned Space
270.655 Trailer Storage
270.660 Inspection
270.665 Restrictions
270.670 Quarantine Provisions
270.675 Dogs
270.680 General Misconduct
270.685 Track Usage
270.690 Restrictions on Barn Use

AUTHORITY: Implementing and authorized by the State Fair Act [20 ILCS 210]; implementing Section 40.14 and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532; amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg. 6103, effective April 25, 1984; emergency amendments at 10 Ill. Reg. 13370, effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987; amended at 15 Ill. Reg. 455, effective January 2, 1991; amended at 18 Ill. Reg. 9400, effective June 12, 1994; amended at 19 Ill. Reg. 9400, effective June 29, 1995; amended at 21 Ill. Reg. 5530, effective April 22, 1997; amended at 22 Ill. Reg. 1133, effective JUN 22 1998.

SUBPART I: MISCELLANEOUS RULES GOVERNING THE OPERATION
OF THE STATE FAIR

Section 270.350 Pets

Pets are not allowed to be in public areas of the fairgrounds during the State Fair. Pets used for assistance to disabled persons, authorized competitive exhibits, shows or demonstrations at the State Fair or other approved purposes will be allowed. Pets must be kept on a leash or confined at all times while on the fairgrounds during the State Fair. Dogs on a leash must be tied in such a manner to allow safe clearance for passersby in all center aisles or in-barns. Violation of this Section rule will be cause for termination of any contract or privilege and for removal of the pets pet and owners owner from the fairgrounds.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Abandoned Mined Lands Reclamation

2) Code Citation: 62 Ill. Adm. Code 2501

3) Section Number: Adopted Action:

2501.1	Amend
2501.1	Amend
2501.7	Amend
2501.8	New
2501.10	Amend
2501.11	New
2501.13	Amend
2501.16	Amend
2501.19	Amend
2501.22	Amend
2501.25	Amend
2501.28	Amend
2501.31	Amend
2501.34	Amend
2501.37	Amend
2501.40	New

4) Statutory Authority: Implemented and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920].

5) Effective Date of Amendments: June 23, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency Principal Office: June 22, 1998

9) Notice(s) of Proposal published in Illinois Register: 22 Ill. Reg. 6406 (April 10, 1998)

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version:

a) The title "Department of Natural Resources" has been underlined.

b) In the Source note, "emergency expired May 30, 1986;" has been added after "for a maximum of 150 days;"

c) In Section 2501.1, "part" has been capitalized; "; (P.A. 81-1020, as amended)" has been deleted; and "act" has been capitalized.

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d) In Section 2501.4, in the definition of "Section, "section" and "part" have been capitalized; in the definition of "State Act", "The" has been changed to "the" and "P.A. 81-1020, effective June 1, 1980, as amended," has been stricken.

e) In Section 2501.7, "state" has been changed to "State"; in new subsection (f), "mine" has been changed to read "mined".

f) In Section 2501.8, the comma after "State" has been deleted; subsection (b), "the" has been added before "effects"; and new subsection (d), "mine" has been changed to "mined".

g) In Section 2501.10(d), (e), (f) and (g), "paragraphs" has been changed to "subsections"; and "section" has been capitalized; in subsection (e), "quality" has been changed to "qualify"; in subsection (f), "Federal Trust" has been added after the words "Reclamation".

h) In Section 2501.11(d) "and" has been deleted; in subsection (e), "on noncoal" has been changed to "of non-coal" and the period has been deleted and "; and" has been added; in subsection (f), "that" has been deleted.

i) In Section 2501.16(b)(3), "affect" has been changed to "affected".

j) In Section 2501.25(b)(1)(A), the comma after "work" has been stricken and the ";" has been stricken; in subsection (b)(2), ".00" has been stricken and "subsidence" has been corrected to "subsidence"; subsection (c)(2), "et seq." has been deleted and replaced with "through 13-121".

k) In Section 2501.28, "these rules" has been changed to "this Part"; subsection (b)(2) and (c), (c)(1) and (c)(2), "thirty" has been changed to "30"; subsection (d), "paragraphs" has been changed to "subsections".

l) In Section 2501.31(c)(4) "--" has been changed to ":"; subsection (d), (e) and (f) and (g)(3), "section" has been capitalized; subsection (f)(1)(A) and (C), "thirty" has been changed to "30".

m) In Section 2501.34, "non-emergency" has been changed to "nonemergency".

n) In Section 2501.37(a), "(P.A. 87-379)" has been stricken and replaced with "[20 ILCS 1920/2.12]".

o) In Section 2501.40(b), the comma after "[5 ILCS 140] has been deleted; subsection (c), " , Illinois 62702" has been added at the end of the sentence; and the Source note has been changed to read "Amended at 22

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have been abandoned and for which there is no continuing reclamation responsibility under existing State or Federal laws and non-coal mined lands and water left abandoned or left in an inadequate reclamation status and which pose extreme danger to public health, safety, general welfare and property. The Act is complementary to Title IV of P. S. 95-87, the Federal Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) and under the Federal Act, a portion of the money collected by the federal government from a fee imposed on coal mining operations can be provided by cooperative agreements or grants to states which have a federally approved State Reclamation Plan.

(Source: Amended at 22 Ill. Reg. 11386, effective 11/23/98)

Section 2501.4 Definitions

As used in this Part --

Council means the Abandoned Mined Lands Reclamation Council created by section 1-04 of the State Act (Ill. Rev. Stat. 1985, ch. 96-1/27 par. 8001.04). The Council consists of the Director or their designees, one of the following Departments, Boards or Agencies: Agriculture, Capital Development, Board of Commerce and Community Affairs, Conservation, Environmental Protection Agency, Mines and Minerals, and Energy and Natural Resources. The Lieutenant Governor or his designee is the Chairman of the Council.

"Department" means the Illinois Department of Natural Resources, Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation of the State of Illinois, with principal offices of business at Springfield.

"Federal Act" means the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 USC 1201 et seq.) [20 ILCS 1920/1.02] (P.S. 95-87, 30 USC 1201 et seq.).

"Federal Office" or "OSM" means the Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

"Inventory" means the contents of the supplement to the "Illinois State Plan for Abandoned Mined Lands" (Resource Document). The Resource Document identifies all known acreage in Illinois which has been impacted by past coal mining and is an extreme danger or creates adverse effects. The inventory is updated as new data becomes available.

"Reclamation" or "reclamation activities" means the restoration of abandoned lands and waters to constructive uses, including, but not limited to forests, grasses and legumes, row crops, wildlife and

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aquatic reserves and recreational, residential, and industrial sites, and abatement, control or prevention of adverse effects of mining. [20 ILCS 1920/1.03(5)] (Ill. Rev. Stat. 1985, ch. 96-1/27 par. 8001.03(a)(7))

"Section" means a Section section of this Part part, unless otherwise clearly identified.

"State Act" means the Abandoned Mined Lands and Water Reclamation Act (P.A. 81-1020) effective June 17, 1980 as amended (20 ILCS 1920). (Ill. Rev. Stat. 1985, ch. 96-1/27 par. 8001.01 et seq.)

"State Reclamation Plan" or "SRP" means the document required under regulations promulgated by the Federal Office (30 CFR 884.13) in order for Illinois to be eligible to receive funds under the Federal Act. Any statements of Departmental Council policy contained in or added to the SRP which are "rules" as that term is defined in the Illinois Administrative Procedure Act [5 ILCS 100] (Ill. Rev. Stat. 1991, ch. 127 par. 1001-1 et seq.) shall be included as rules in this Part.

(Source: Amended at 22 Ill. Reg. 11386, effective 11/23/98)

Section 2501.7 Objectives and Priorities

- It is the policy of this State to provide for the conservation and reclamation of lands and water affected by mining which have been abandoned, in order to restore these abandoned lands and waters to such productive use, in accordance with this State's conservation and land reclamation policies, as will aid in maintaining or improving the property tax base, protect the health, safety and general welfare of the people, promote the natural beauty and aesthetic values of this State and enhance the environment, and correct and prevent soil erosion, stream pollution, water, air and land pollution, and other injurious effects to persons, property, wildlife and natural resources. [20 ILCS 1920/1.02] (Ill. Rev. Stat. 1989, ch. 96-1/27 par. 8001.02(a)) The goal of the State state reclamation program described in this Part is to alleviate adverse environmental effects of abandoned mines and, whenever possible, to improve those abandoned lands to support a suitable land use.
- It is the expressed intent of the General Assembly that the Department Council, in implementing these policies, administer the reclamation program in a way which satisfies the requirements of the Federal Act. Accordingly, the provisions of this Part shall be construed, if possible, in a manner which is consistent with the requirements of the Federal Act and the regulations promulgated thereunder.
- Expenditures of money on abandoned coal mined lands for the purposes of the reclamation program shall reflect the following priorities in

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the order stated:

- 1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;
- 2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;
- 3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;
- 4) Research--and--demonstration--projects--relating--to--the--development of--surface--mining--reclamation--and--water--quality--control--program methods--and--techniques;

4)5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

5)6) The development of publicly owned land adversely affected by coal mining practices including land acquired as provided in the Federal Act for recreation and historic purposes, conservation, and reclamation purposes and open space benefits. (20 ILCS 1920/2.03(a)) (1111-Rev-Stat-1989--ch--96-1/2-par--8003-03(a))

d) Generally, projects lower than a priority 2 should not be undertaken until all known higher priority coal projects either have been accomplished, are in the process of being reclaimed, or have been approved for funding by OSM, except in those instances where such lower priority projects may be undertaken in conjunction with a priority 1 or 2 site in accordance with OSM's "Final Guidelines for Reclamation Programs and Projects" (61 FR 68777-68785, December 30, 1996).

e) When the Department finds in writing that the adverse effects of coal mining practices have an adverse economic impact upon a community, a project shall be designated as a priority 1 or 2 threat to the general welfare, regardless of the nature of the problem conditions.

f)4) The Department Council may make expenditures on lands mined for substances other than coal for the protection of the public health and safety; provided, however, that annual expenditures for non-coal reclamation shall not exceed 2% of the Department's Council's annual budget for mined mine land reclamation; and provided further that all obligations for such expenditures shall be made by August 31, 1999. 147-1994-

(Source: Amended 22 Ill. Reg. 11388, effective

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Section 2501.8 Utilities and Other Facilities

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- a) The Department may expend up to 30 percent of the AML funds granted annually to the State for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supplies, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices.
- b) If the adverse effect on water supplies referred to in this Section occurred both prior to and after August 3, 1977, the project shall remain eligible notwithstanding the criteria specified in Section 2501.10(b), if the Department finds in writing, as part of its eligibility opinion, that such adverse effects are due predominantly to effects of mining processes undertaken and abandoned prior to August 3, 1977.

c) If the adverse effect on water supplies referred to in this Section occurred both prior to and after the dates (and under the criteria) set forth under Section 2501.10(d), the project shall remain eligible, notwithstanding the criteria specified in Section 2501.10(b), if the Department finds in writing, as part of its eligibility opinion, that such adverse effects are due predominantly to the effects of mining processes undertaken and abandoned prior to those dates.

d) Enhancement of facilities or utilities under this Section shall include upgrading necessary to meet any local, State, or Federal public health or safety requirement. Enhancement shall not include, however, any service area expansion of a utility or facility not necessary to address a specific abandoned mined land problem.

(Source: Added at 22 Ill. Reg. 11388, effective

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Section 2501.10 Eligible Coal Lands and Water

a) Coal lands and water are eligible for reclamation activities with federal funds provided pursuant to the Federal Act if:

- a)1) They were mined for coal or affected by coal mining processes;
- b)2) They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition; and
- c)3) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal Government, or as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation additional federal funding may be sought.

d) Notwithstanding subsections (a), (b) and (c) of this Section, coal lands and waters damaged and abandoned after August 3, 1977 by coal mining processes are also eligible if the Department, with the concurrence of OSM, finds in writing that:

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1) They were mined for coal or affected by coal mining processes and:

A) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977 and June 1, 1982, and any funds for reclamation or abatement that are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site; or

B) The mining occurred between August 4, 1977 and November 5, 1990 and the surety of the mining operator became insolvent during that period, and as of November 5, 1990, funds immediately available from proceedings relating to insolvency, or from any financial guarantee or other source, are not sufficient to provide for adequate reclamation or abatement at the site; and

2) The site qualifies as a priority 1 or 2 site under Section 2501.7(c) and (e) of this Part.

e) The Department may expend funds available under paragraphs 402(q)(1) and (5) of the Surface Mining Control and Reclamation Act for reclamation and abatement of any site eligible under subsection (d) above, if the Department, with concurrence of OSM, makes the findings required in subsection (d) above and the Department determines that the reclamation priority of the site is the same or more urgent than the reclamation priority for the lands and water eligible pursuant to subsection (a), (b) or (c) above that qualify as a priority 1 or 2 site under Section 403(a) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1233(a)).

f) With respect to lands and waters eligible pursuant to subsection (d) or (e) above, monies available from sources outside the Abandoned Mined Lands Reclamation Federal Trust Fund or that are ultimately recovered from responsible parties shall either be used to offset the cost of the reclamation or transferred to the Abandoned Mined Lands Reclamation Federal Trust Fund if not required for further reclamation activities at the permitted site.

g) If reclamation of a site covered by an interim or permanent program permit is carried out under the AML program, the permittee of the site shall reimburse the AML Fund for the cost of reclamation that is in excess of any bond forfeited to ensure reclamation. The Department, when performing reclamation under subsection (d) above shall not be held liable for any violations of any performance standards or reclamation requirements specified in Title V of the Federal Act, or in the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720), nor shall a reclamation activity undertaken on such lands or waters be held to any standards set forth in those Acts.

h) Surface coal mining operations on lands eligible for reining shall not affect the eligibility of such lands for reclamation and restoration after the release of the bonds or deposits posted by any

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such operation. If the bond or deposit for a surface coal mining operation on lands eligible for reining is forfeited, AML funds may be used if the amount of such bond or deposit is not sufficient to provide for adequate reclamation or abatement, except that, if emergency conditions warrant, the Department shall immediately exercise its authority under the Emergency program.

b) Non-coal lands and water are eligible for reclamation activities if:

- 1) They were mined or affected by mining processes;
- 2) They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;
- 3) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statute of the State or Federal Government as a result of bond forfeiture which will render lands or water ineligibility only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation or, in cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional federal funding may be sought;

- 4) The Governor concurs that reclamation is necessary and submits a letter of request to the Federal Officer; and
- 5) The reclamation is necessary for the protection of the public health and safety, or all coal-related reclamation has been accomplished.

(Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1998)

Section 2501.11 Eligible Non-coal Lands and Water

Non-coal lands and water are eligible for reclamation activities if:

a) They were mined or affected by mining processes;

b) They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;

c) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal Government as a result of bond forfeiture, which will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation or, in cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional federal funding may be sought;

d) The Governor concurs that reclamation is necessary and submits a letter of request to the Federal Officer;

e) The reclamation is necessary for the protection of the public health and safety, general welfare and property from extreme danger of adverse effects of non-coal mining practices; and

f) They are not designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or have been listed for remedial action pursuant to the Comprehensive

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Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(Source: Added at 22 Ill. Reg. 11382, effective

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Section 2501.13 Preliminary Project Selection

- a) The Department Council shall select projects for reclamation from an abandoned mine site database which contains all known abandoned mine sites in the State which are eligible under Sections 2501.10 and 2501.11 that were affected prior to August 31, 1977 and which contained problem conditions. This database includes sites reported in the Resource Document of the original State Plan, all high priority sites included in the Phase II National Abandoned Mine Land Inventory, and additional sites which may periodically be brought to the attention of the Department Council by landowners or other concerned citizens.
- b) The Department Council shall review the AML database each year to identify the unreclaimed or inadequately reclaimed sites containing the most significant remaining problem conditions. Problem conditions include in order of relative significance:
- 1) Surface openings resulting from improperly sealed mine portals or caused by underground mine subsidence;
 - 2) Escaping mine gases;
 - 3) Surface or underground mine fires;
 - 4) Hazardous equipment or facilities left behind by the mining operation;
 - 5) Dangerous impoundments constructed by the mine;
 - 6) Dangerous, unprotected highwalls in close proximity to populated areas or public use;
 - 7) Polluted water used for consumption;
 - 8) Dangerous refuse piles or embankments;
 - 9) Flooding of roads or improved property caused by sedimentation from AML sites;
 - 10) Hazardous recreational water bodies;
 - 11) Coal exposed coal refuse material or spoilbanks contributing to off-site pollution;
 - 12) Acid water impoundments;
 - 13) Coal refuse material or spoilbanks adversely affecting land or water resources.
- c) Sites identified as containing significant problem conditions shall be further prioritized based upon an evaluation of the following criteria to determine the probable benefits to be derived from reclamation:
- 1) Relative degree of continued impacts if left unreclaimed;
 - 2) Proximity of site to populated areas or public use areas;
 - 3) Additional site benefits including improvements in land use and development of public lands; protection of public facilities;

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and evaluation research or demonstration of new techniques;
4) Technology available to assume reasonable probability of success; and

5) Cost-effectiveness of the necessary action.

(Source: Amended at 22 Ill. Reg. 11382, effective

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Section 2501.16 Final Selection and Project Deferment

- a) From the most significant abandoned mine sites identified in accordance with Section 2501.13, the Department will select projects for reclamation based upon the following criteria and considerations: projects will be developed for inclusion in the annual grant application which have the highest probability for successful reclamation within the upcoming three-year grant period based upon the criteria and considerations listed below.
- Sites must exhibit a high probability for achievement of successful reclamation, including:
- 1) Satisfactory funding levels to complete reclamation for the immediate grant year;
 - 2) A completed application from the owner(s) of property that contains the significant portion of problem conditions on a site; Availability of Design and Technical Staff assigned to three regions of the State (northern, central, and southern); for project design and/or monitoring;
 - 3) Existence of a technically feasible design solution to existing problems; and
 - 3.4) Evidence that a timely Consent for Entry can be obtained from the owner(s) of the project site.
- b) Significant sites exhibiting one or more of the following conditions shall be eliminated from consideration for funding for a particular year when:
- 1) There exists ongoing use and responsibility for reclamation to alleviate problem conditions, associated with active landfill sites, salvage yards, material storage yards, or other uses of mined lands;
 - 2) There is an ongoing or planned remaining operation for interested in the site;
 - 3) There is a planned or currently operating secondary coal recovery operation; provided, however, that only the areas within the site which will be affected by such operation shall be eliminated from consideration;
 - 4) There is ongoing or planned reclamation or development of a site by any federal office, the Natural Resource Conservation Service Soil Conservation Service, or other public or private agencies or individuals; or
 - 5) There is ongoing or anticipated successful stabilization by

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natural processes so that natural reclamation will be effective and efficient considering such factors as cost and potential or existing hazards to human life, the environment, or public or private property.

- c) The Executive Director shall present the proposed projects for the grant application to the Council members for preliminary approval at a Council meeting. A list of approved projects will be advertised for public comment as part of the annual grant process. Thereafter, the proposed project list shall be subject to final approval of the Council members at the next Council meeting. The approved project list shall be included in the annual grant submission.

(Source: Amended at 22 Ill. Reg. effective
JUN 23 1998)

Section 2501.19 Annual Grant Process

The Department shall submit an annual grant application to OSM in accordance with the requirements of 30 CFR 886 to cover allowable costs of the AML program including the actual costs of construction, operation and maintenance, planning and engineering, construction inspection, other necessary administrative costs, and up to 90 percent of the costs of acquisition of land. Copies of the annual AML grant application will be provided to the public upon written request to the Department, 524 S. Second Street, Springfield, Illinois 62701. Notice of annual AML grant applications will be circulated through the Illinois State Library System and the Illinois State Clearinghouse. For projects selected for reclamation pursuant to Section 2501.16, the Council will submit an annual grant application to the Federal Office. It is the Council's policy, in developing proposed annual grant applications, to encourage public input. Project recommendations from local officials, organizations, and citizens will be considered. Any interested person may submit information and comments regarding AML programs, projects, and Council activities as set forth in 2 Ill. Adm. Code 500-60. Copies of the annual grant application will be provided to the public upon written request to the Council, 920 South Spring Street, Springfield, Illinois 62704. In addition, notice of annual grant applications will be circulated through the Illinois State Library System and the Illinois State Clearinghouse. The Council shall comply fully with the requirements of 30 CFR 886 (1988) with respect to all annual grant applications. (No incorporation by reference in this Part includes any later amendments or editions.)

(Source: Amended at 22 Ill. Reg. effective
JUN 23 1998)

Section 2501.22 Reclamation Activities

The Department Council will will contract or enter into cooperative agreements as necessary and appropriate with any person or federal governmental entity in

relation to the reclamation of abandoned land, including but not limited to the furnishing of services, plans, lay outs, materials, or any matters of service incidental to the reclamation of such land, [20 ILCS 1920/3.05]. (11382-Rev-Stat--1985, ch-96-1/27, par--0003-05; All Provided, however, that all parties to any such contract or cooperative agreement must agree to comply with all applicable requirements of the State and Federal law. Acts, and rules promulgated thereunder.)

(Source: Amended JUN 23 1998 at 22 Ill. Reg. effective
11382)

Section 2501.25 Reclamation on Private Lands

Reclamation may be carried out on private land if consent is obtained as provided in Section 2501.28(a), or if the requisite findings are made and notice given pursuant to Section 2501.28(b). When reclamation is to be carried out on private land, the Department Council shall adhere to the following procedures concerning appraisals, liens, and satisfaction of liens:

a) Appraisals

- 1) A notarized appraisal of private land to be reclaimed which may be subject to a lien under subsection (b) shall be obtained from an independent professional appraiser. Such appraisal shall meet the quality of appraisal practices found in Regulation 10 of the American Institute of Real Estate Appraisers of the National Association of Realtors, Code of Professional Ethics, as amended November 4, 1989. The appraisal shall state:

- A) The estimated market value of the property in its unreclaimed condition; and
 - B) The estimated market value of the property as reclaimed.
- 2) This appraisal shall be made prior to the start of reclamation activities, except as provided in subsection (a)(3). The Department Council shall furnish to the appraiser information of sufficient detail in the form of plans, factual data, specifications, etc., to make such appraisals. When reclamation requires more than six months to complete, an updated appraisal of the estimated market value of the property as reclaimed shall be made to determine if the increase in value as originally appraised has actually occurred. Such updated appraisal shall not include any increase in value of the land as unreclaimed. If the updated appraisal value results in lower increase in value, such lower increase shall be used as the basis for the lien. However, an increase in value resulting from the updated appraisal shall not be considered in determining a lien.
- 3) When any abandoned mine condition presents a high probability of substantial physical harm to the health, safety, or general welfare of people, as set forth in Section 2501.34, before the danger can be abated under normal program operations procedures, reclamation activities or abatement procedures shall not be

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delayed in order to obtain any necessary appraisal. In such instances, the appraisal shall be obtained at the earliest practical time after reclamation activities or abatement procedures have been commenced.

b) Liens

1) The Department Council shall place a lien against land reclaimed if the reclamation results in a significant increase in fair market value, except that:

A) A lien shall not be placed against the property of a surface owner who owned the property prior to May 2, 1977, and who did not consent to, participate in, or exercise control over the mining operation which necessitated the reclamation work; [20 ILCS 1920/2.09]; (Ill-Rev-Stat--1989-CH-96 1-27-par--8002-09(b))

B) A lien shall be waived if findings made prior to construction indicate that the reclamation work to be performed on private land shall primarily benefit the health, safety, or environmental values of the greater community or area in which the land is located; or if the reclamation is necessitated by an unforeseen occurrence, and the work performed to restore that land will not result in a significant increase in the market value of the land as it existed immediately before the unforeseen occurrence; and

C) The Department Council shall waive the lien if the cost of filing it, including indirect costs to the State, exceeds the increase in fair market value as a result of the reclamation activities.

2) The determination of what constitutes a significant increase in market value of land subject to a potential lien, or what factual situation justifies a waiver of lien, will be made to assure that AML program funds are used to benefit the health, safety, or environmental values of the greater community and avoid windfall profits to owners of reclaimed land. The manner in which the subject property was acquired shall be considered. An increase in total fair market value of less than \$8,000-00, or less than 20 percent of total fair market value before reclamation, shall not be considered significant.

3) A lien shall be waived if findings made prior to construction demonstrate that the reclamation work is being undertaken solely to seal, fill, or mark an open or settled mine shaft, drift or slope entry, adit or other mine opening or a subsidence pit.

4) If a lien is to be filed, the Department Council shall, within six months after the completion of the reclamation work, file a statement in the Office of the Recorder of Deeds in the County wherein the reclaimed land is located. Such statement shall consist of notarized copies of the appraisal obtained under subsection (a) and shall include an account of moneys expended for the reclamation work. The statement shall state the priority

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claimed for the lien. The amount reported to be the increase in value of the property shall constitute the lien to be recorded. Provided, however, that prior to the time of the actual filing of the proposed lien, the landowner shall be notified of the amount of the proposed lien and shall be allowed a reasonable time to repay that amount instead of allowing the lien to be filed against the property involved.

5) Within 60 days after the lien is filed, the landowner may petition the Department Council, through the Executive Director of the Office of Mines and Minerals, for a hearing to determine the increase in market value of the land as a result of reclamation work. Any party aggrieved by the decision of the Department Council may seek appropriate judicial relief at the Circuit Court.

c) Satisfaction of Liens

1) A lien placed on private property shall be satisfied, to the extent of the value of the consideration received, at the time of transfer of ownership. Any unsatisfied portion shall remain as a lien on the property.

2) A reclamation lien created pursuant to Section 2.09 of the State Act shall continue in existence until satisfied, subject only to the 40 year limitation period and requirements of Sections 13-118 through 13-121 of the Code of Civil Procedure [735 ILCS 5/13-118 through 13-121]. The Council shall maintain or renew each lien from time to time as may be required.

3) If reclaimed property subject to a reclamation lien is transferred for an actual consideration in excess of the appraised fair market value of the property after reclamation, and the lien is not satisfied at the time of transfer, the Department shall request the Attorney General to bring an appropriate foreclosure action to satisfy the lien.

4) Moneys derived from the satisfaction of liens established under this Section shall be deposited in the State fund currently entitled "Abandoned Mined Lands Reclamation Council Federal Trust Fund."

(Source: Amended 22 Ill. Reg. 11382, effective JUN 23 1998)

Section 2501.28 Rights of Entry

a) Prior to entry onto private lands for any purpose other than the visual inspection of the property under the State Act or this Part these rules, the Department Council shall obtain advance written consent from the owners of record of the property to be entered, when the owners can be located and contacted and the owners agree to a reclamation on their property. The consent shall be in the form of a signed statement by the owner of record or his or her authorized agent

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which sufficiently identifies ~~includes-the-legal-description-of-the~~ land to be entered, the projected nature of the studies, exploration, or work to be performed on the land, and any special conditions for entry. The statement shall not include any commitment to perform reclamation work or to compensate the owner for entry. If entry is for purposes of visual inspection only, it shall be sufficient if verbal consent is obtained prior to entry from the owner or one authorized to consent to such entry.

b) If the owner cannot be found, or will not consent to the proposed reclamation activities, the Department Council-staff may enter the land to perform reclamation activities. However, no such action shall be taken unless the Department Council first:

- 1) Finds, in writing with supporting reasons, that:
 - A) The land has been adversely affected by past mining practices; and
 - B) The adverse effects are at a state where, in the interest of the public health or safety, reclamation activities should be carried out;
- 2) Gives written notice of its intent to enter for purposes of conducting reclamation activities at least 30 thirty days prior to entry. The notice shall be by certified mail, return receipt requested, and shall include a copy of the findings required by subsection (b)(1) of this Section. If the owner is not known, or cannot be found, the notice shall be posted in a conspicuous place on the property to be entered, and advertised once in a newspaper of general circulation in the county or municipality in which the property is located. The posted and published notice shall include a statement indicating where a copy of the findings required by subsection (b)(1) of this Section may be obtained. Posting and publication shall take place at least 30 thirty days prior to entry.

c) If the Department Council finds that any lands may have been adversely affected by past mining practices, the Department Council-staff may, if necessary, enter the property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past mining practices and the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects.

- 1) If the owner of such land will not consent to entry and the Department Council determines that a study or exploration is in the public interest, the Department Council shall give notice, in writing, to the owner at least 30 thirty days prior to entry. The notice shall be by certified mail, return receipt requested, and shall include a statement of the reasons why entry is believed necessary.

- 2) If the owner is not known, or cannot be found, the notice shall be posted in a conspicuous place on the property to be entered, and advertised once in a newspaper of general circulation in the county or municipality in which the property is located. Posting

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and publication shall take place at least 30 thirty days prior to entry.

- d) Entry under this Section shall be construed as an exercise of the police power for the protection of the public health, safety, and general welfare, and shall not be construed as an act of condemnation of property or trespass thereon [20 ILCS 1920/2.05(d)] ~~(111--Rev-Stat--1983--ch--96--1/2--par--888-844d)~~.

(Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1998)

Section 2501.31 Land Acquisition, Management and Disposal

a) The Department Council shall acquire eligible land as necessary for reclamation when long term monitoring will be necessary, or when the benefits to the general public to be derived from reclamation activities on State owned lands would exceed the benefits from reclamation activities if the land were privately owned.

- 1) The Department Council will acquire only such interest or conservation rights in land which are necessary for successful reclamation.
- 2) Prior to acquisition the Department Council shall obtain from an independent professional appraiser an appraisal of the fair market value of the land or interest in land to be acquired. The appraisal shall state the fair market value of the land as adversely affected by past mining, and shall otherwise meet the quality of appraisal practices found in Regulation 10 of the American Institute of Real Estate Appraisers of the National Association of Realtors, Code of Professional Ethics, as amended November 4, 1984.

- 3) The Department Council shall obtain the prior written approval of the Federal Office before acquiring any land or interest in land with federal funds.

b) The Department Council shall make every reasonable effort to acquire land by purchase from a willing seller. The amount paid for interests acquired shall reflect the fair market value of the interests as adversely affected by past mining. If such efforts are not successful, land or interests in land may be acquired by condemnation.

- c) The Department Council may accept donations of title to land or interest in land that are necessary for reclamation activities. A donation shall not be accepted if the terms or conditions of acceptance are inconsistent with the objectives or requirements of this part. If a donation is accepted, a deed of conveyance shall be executed, acknowledged, and recorded. If reclamation activities are to be carried out with federal funds, the deed shall state that it is made "as a gift under the Federal Surface Mining Control and Reclamation Act of 1977." Offers to make a gift of land or interest in land shall include:

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- 1) A statement of the interest which is being offered;
- 2) A legal description of the land and a description of any improvements on it;
- 3) A description of any limitations on the title or conditions as to the use or disposition of the land existing or to be imposed by the donor;
- 4) A statement that: --
 - A) The offeror is the record owner of the interest being offered;
 - B) The interest offered is free and clear of all encumbrances except as clearly stated in the offer;
 - C) There are no adverse claims against the interest offered;
 - D) There are no unredeemed tax deeds outstanding against the interest offered;
 - E) No person has a continuing responsibility under State or Federal Law for reclamation.
- 5) An itemization of any unpaid taxes or assessments levied, assessed or due which could operate as a lien on the interest offered.

d) The Department Council shall be responsible for the management of lands acquired pursuant to this Section. The lands shall be used only for purposes which are consistent with the reclamation activities and are in accordance with the State Property Control Act [30 ILCS 605] (Rev. 1995) (Ch. 127, pars. 133b1-et-seq.). Any user of land acquired under this Section shall be charged a use fee. The fee shall be determined on the basis of the fair market value of the benefits granted to the user, charges for comparable uses within the surrounding area, or the costs to the Department Council of providing the benefit, whichever is appropriate depending upon the particular circumstances of each case. If the Department Council finds, in writing, that a waiver of the use fee is in the public interest in a particular case, and states its reasons for such finding, the Department Council may so waive the fee. Unless otherwise provided by law, all fees collected shall be transmitted to the State Treasurer for deposit in the State fund currently entitled "Abandoned Mined Lands Reclamation Council Federal Trust Fund."

e) If the Department Council determines that it would be in the best interest of the State, the Department Council shall transfer administrative responsibility for land acquired under this Section to an agency or political subdivision of the State without cost to such agency or political subdivision. For land acquired with federal funds, such transfer must have the prior approval of the Federal Office. The agreement under which a transfer is made shall specify:

- 1) The purposes for which the land may be used, which purposes shall be consistent with the authorization under which the land was acquired;
- 2) That the administrative responsibility for the land will revert

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f) When ownership of any lands acquired pursuant to this Section is no longer necessary to further the goals of the Department Council, the Department Council shall notify the corporate authorities of the municipality in which such reclaimed lands are located and the county clerk of the respective county that the lands may be transferred for public use to one or more of such local governments who have complied with Section 2.07 of the State Act.

1) Upon receipt of plans for use of reclaimed lands from a unit or units of local government, the Department Council shall:

- A) Publish a notice in the official newspaper and in a paper of general circulation in the area where the land is located for four successive weeks indicating that a plan has been submitted, and where a copy of the plan may be obtained. The notice shall provide at least 30 thirty days for public comment;
- B) Make copies of the disposition plan available in the locality of the property and the Department's Council's offices;
- C) If requested by any person, or if deemed advisable by the Department Council, conduct a public hearing to discuss the disposition plan. At least 30 thirty days notice of any such hearing will be published in a newspaper of general circulation in the area in which the land is located.

2) If the Department Council finds that the proposed disposition is appropriate considering all comments received and is consistent with any applicable local, State, or federal laws or rules, the Department Council shall transfer title for the affected lands to the unit or units of local government submitting the plan.

g) If disposal of lands under subsection (f) of this Section is determined by the Department Council not to be in the public interest, and if the reclaimed lands are suitable for industrial, commercial, residential, or recreational development consistent with local, State, or federal land use plans for the area in which the land is located, then the land may be sold for not less than fair market value under a system of competitive bidding which includes:

1) Publication of a notice once a week for 4 weeks in a newspaper of general circulation in the locality in which the land is located. The notice shall describe the land to be sold, state the appraised value, state any restrictive covenants which will be a condition of the sale, and state the time and place of the sale;

2) Provisions for sealed bids to be submitted prior to the sale date followed by an oral auction open to the public;

3) All moneys received from disposal of land under this Section shall be transmitted to the State Treasurer for deposit in the State fund currently entitled "Abandoned Mined Lands Reclamation Council Federal Trust Fund."

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- (Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1993)
- c) A Notice of Reclamation shall not be filed in connection with land that is affected by reclamation activities only to provide ingress and egress, mobilization or staging areas, borrow or cover material, or other support activities.
- d) A Notice of Reclamation shall not be filed where all adverse effects, physical impacts, or remnants thereof are removed from the property by the reclamation.

(Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1993)

Section 2501.40 Public Participation (repeated)

- a) Any interested person may submit information and comments regarding the AML program and projects at any time. Information and comments should be directed to the Director of the Department, the Director of the Office of Mines and Minerals, or the Manager of the AML Division.
- b) Verbal requests for information and written requests for information regarding the AML program shall be handled as expeditiously as possible. Requests made specifically pursuant to the Freedom of Information Act [5 ILCS 140] shall be made and handled in accordance with the generally applicable procedures of the Department of Natural Resources.
- c) Copies of the following publications shall be available upon request at the Department's Office at 300 W. Jefferson Street, Springfield, Illinois 62702.

- 1) The Illinois State Reclamation Plan for Abandoned Mined Lands.
- 2) Office of Mines and Minerals Annual and Bi-Annual Reports.
- 3) Specific project reports which may be published for free distribution.
- 4) Brochures and program materials which may be published for free distribution.
- 5) The availability of such reports, brochures and program materials as may be prepared especially for free distribution shall not be deemed a waiver of the Department's right to charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records requested pursuant to the Freedom of Information Act. The Department may charge fees reasonably calculated to reimburse its actual cost for providing multiple copies of free publications when multiple copies are requested.

- d) The Department shall hold such public meetings as it determines necessary and appropriate to advise the public of planned or ongoing AML projects, and to solicit input and participation in the AML program. Any interested person may request, in writing, that the Department hold a public meeting in connection with any AML project or program activity. Upon receipt of a written request to hold a public meeting, the Department shall contact the landowners directly involved

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1993)

Section 2501.34 Emergency Abatement Activities

Notwithstanding any other Section of this Part, the Department Council will identify and immediately address sites which present an immediate threat to public health and safety, such as hazardous mine openings, methane gas leaks, deteriorating tippie structures, hazardous highwalls, mine fires, and mine subsidence. The finding by the Department Council that an immediate threat exists shall be in writing. The Department Council shall notify the owner and request consent prior to entry and abatement work. However, if the Department Council is unable to notify or secure a written consent prior to conducting abatement work, a written notice shall be given to the owner within two working days after entry. The appraisal required by Section 2501.25 shall be completed at the earliest practical time, but in any case before related nonemergency work is commenced. If federal funds are to be utilized for emergency reclamation activities on non-coal mined lands, the Department Council shall seek to have the Governor request such authorization from the Federal Office, as required by 30 CFR 875 (1983).

(Source: Amended at 22 Ill. Reg. 11382, effective JUN 23 1993)

Section 2501.37 Notice of Reclamation

- a) Following reclamation, the Department Council shall file a Notice of Reclamation in the office of the recorder in the county in which the reclaimed land lies. The Notice of Reclamation shall identify the land reclaimed, the adverse effects of past mining on the land, and briefly describe the reclamation. The Notice of Reclamation shall serve as perpetual notice to all concerned that the land has been mined and reclaimed, and provide that further information may be obtained by contacting the Department [20 ILCS 1920/2.12] Council-A-87-3797.

- b) A Notice of Reclamation shall be filed only with respect to land that has been adversely affected with the physical impacts of mining, and will continue after reclamation to contain such physical effects even though reclaimed, including:

- 1) mine shafts, slope entries, or other mine openings
- 2) coal refuse and tailings
- 3) mine gas escape points
- 4) hazardous equipment or facilities
- 5) dangerous highwalls or embankments
- 6) spoil
- 7) acid water impoundments
- 8) dangerous impoundments or dam structures
- 9) subsidence pits or troughs.

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in the project, as well as the local government bodies that may be interested. The Department shall schedule a public meeting if it determines that sufficient public interest exists to warrant the public meeting.

(Source: Added JUN 23 1998 22 Ill. Reg. 11382, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number Adopted Action
211.7150 Amended
- 4) Statutory Authority: 415 ILCS 5/9.1 and 27
- 5) Effective Date of Amendments: JUN 22 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: June 17, 1998
- 9) Notice of proposal published in Illinois Register: 22 Ill. Reg. 7450 (May 1, 1998)
- 10) Has JCAR issued a statement of objections to these rules? No
- 11) Differences between proposal and final version: JCAR recommended several nonsubstantive corrections to the proposed amendments for the sake of clarification and consistency. The Board also received comments from Deborah Williams, attorney for the Illinois Environmental Protection Agency. Ms. Williams agreed with the Board's April 16, 1998 proposal and requested that the Board make three technical changes to the proposed amendments. These recommended changes have been incorporated into the final rule.

At the request of JCAR and Ms. Williams, the following amendments were made to the proposal:

- | Line Number | Description of Change |
|-------------|---|
| 1. 520 | changed "1,1,1,2,2" to "1,1,1,2,3" |
| 2. 522 | changed "1,1,3,3" to "1,1,1,3,3" |
| 12) | Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes |
| 13) | Will these amendments replace an emergency rule currently in effect? No |
| 14) | Are there any other amendments pending on this Part? No |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

15) Summary and purpose of amendments: A more detailed description of this regulation may be found in the Board's opinion and order of June 17, 1998, docketed by the Board as R98-17, that is available from the address specified below. The present amendments mirror USEPA's amendments to the definition of volatile organic material (VOM) (62 Fed. Reg. 44900 (August 25, 1997) and 63 Fed. Reg. 17331 (April 9, 1998)). Specifically, the amendments add sixteen compounds to the list of chemical species that are exempted from the definition of VOM, and, hence, are exempted from regulation for the control of tropospheric ozone precursors. For a full list of the aforementioned sixteen chemicals, see page 2 of the Board's April 16, 1998 opinion and order. In addition, the amendments add methyl acetate to the list of compounds excluded from the definition of VOM.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35 and 5-40] does not apply. Because this rulemaking is not subject to Section 5-35 or 5-40 of the IAPA, it is not subject to second notice review by JCAR.

16) Information and questions regarding the adopted amendment shall be directed to:

Amy Muran Felton, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-7011

Request for copies of the June 17, 1998 opinion and order should be addressed to Victoria Agveman, at 312-814-3620 or at the above address and should reference Docket R98-17.

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	Incorporations by Reference
211.101	Abbreviations and Conversion Factors
211.102	

SUBPART B: DEFINITIONS

Section	Other Definitions
211.121	Definitions (Repealed)
211.122	Accelacota
211.130	Accumulator
211.150	Acid Gases
211.170	Actual Heat Input
211.210	Adhesive
211.230	Adhesion Promoter
211.240	Aeration
211.250	Aerosol Can Filling Line
211.270	Afterburner
211.290	Air Contaminant
211.310	Air Dried Coatings
211.330	Air Oxidation Process
211.350	Air Pollutant
211.370	Air Pollution
211.390	Air Pollution Control Equipment
211.410	Air Suspension Coater/Dryer
211.430	Airless Spray
211.450	Air Assisted Airless Spray
211.470	Alcohol
211.474	Animal
211.484	Animal Pathological Waste
211.485	Annual Grain Through-Put
211.490	Anti-Glare/Safety Coating
211.495	Application Area
211.510	Architectural Coating
211.530	As Applied
211.550	As-Applied Fountain Solution
211.560	Asphalt
211.570	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process

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NOTICE OF ADOPTED AMENDMENT

211.1410	Condensate
211.1430	Condensible PM-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding
211.1885	Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat

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NOTICE OF ADOPTED AMENDMENT

211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operating Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MPA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

211.3915	Mobile Equipment	211.4740	Plastic Part
211.3930	Monitor	211.4750	Plasticizers
211.3950	Monomer	211.4770	PM-10
211.3960	Motor Vehicles	211.4790	Pneumatic Rubber Tire Manufacture
211.3965	Motor Vehicle Refinishing	211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.3970	Multiple Package Coating	211.4830	Polyester Resin Material(s)
211.3990	New Grain-Drying Operation (Repealed)	211.4850	Polyester Resin Products Manufacturing Process
211.4010	New Grain-Handling Operation (Repealed)	211.4870	Polystyrene Plant
211.4030	No Detectable Volatile Organic Material Emissions	211.4890	Polystyrene Resin
211.4050	Non-Contact Process Water Cooling Tower	211.4910	Portable Grain-Handling Equipment
211.4055	Non-Flexible Coating	211.4930	Portland Cement Manufacturing Process Emission Source
211.4065	Non-Heatset	211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4070	Offset	211.4970	Potential to Emit
211.4090	One Hundred Percent Acid	211.4990	Power Driven Fastener Coating
211.4110	One-Turn Storage Space	211.5010	Precoat
211.4130	Opacity	211.5030	Pressure Release
211.4150	Opaque Stains	211.5050	Pressure Tank
211.4170	Open Top Vapor Degreasing	211.5060	Pressure/Vacuum Relief Valve
211.4190	Open-Ended Valve	211.5061	Pretreatment Wash Primer
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	211.5065	Primary Product
211.4230	Organic Compound	211.5070	Prime Coat
211.4250	Organic Material and Organic Materials	211.5080	Primer Sealer
211.4260	Organic Solvent	211.5090	Primer Surfacer Coat
211.4270	Organic Vapor	211.5110	Primer Surfacer Operation
211.4290	Oven	211.5130	Primers
211.4310	Overall Control	211.5150	Printing
211.4330	Overvornish	211.5170	Printing Line
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.5185	Process Emission Source
211.4370	Owner or Operator	211.5190	Process Emission Unit
211.4390	Packaging Rotogravure Printing	211.5210	Process Unit
211.4410	Packaging Rotogravure Printing Line	211.5230	Process Unit Shutdown
211.4430	Pail	211.5245	Process Vent
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant	211.5250	Process Weight Rate
211.4470	Paper Coating	211.5270	Production Equipment Exhaust System
211.4490	Paper Coating Line	211.5310	Publication Rotogravure Printing Line
211.4510	Particulate Matter	211.5330	Purged Process Fluid
211.4530	Parts Per Million (Volume) or PPM (Vol)	211.5340	Rated Heat Input Capacity
211.4550	Person	211.5350	Reactor
211.4590	Petroleum	211.5370	Reasonably Available Control Technology (RACT)
211.4610	Petroleum Liquid	211.5390	Reclamation System
211.4630	Petroleum Refinery	211.5410	Refiner
211.4650	Pharmaceutical	211.5430	Refinery Fuel Gas
211.4670	Pharmaceutical Coating Operation	211.5450	Refinery Fuel Gas System
211.4690	Photochemically Reactive Material	211.5470	Refinery Unit or Refinery Process Unit
211.4710	Pigmented Coatings	211.5480	Reflective Argent Coating
211.4730	plant	211.5490	Refrigerated Condenser
		211.5500	Regulated Air Pollutant
		211.5510	Reid Vapor Pressure

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NOTICE OF ADOPTED AMENDMENT

211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5530 Repair
 211.5550 Repair Coat
 211.5570 Repaired
 211.5590 Residual Fuel Oil
 211.5600 Resist Coat
 211.5610 Restricted Area
 211.5630 Retail Outlet
 211.5650 Ringelmann Chart
 211.5670 Roadway
 211.5690 Roll Coater
 211.5710 Roll Coating
 211.5730 Roll Printer
 211.5750 Roll Printing
 211.5770 Rotogravure Printing
 211.5790 Rotogravure Printing Line
 211.5810 Safety Relief Valve
 211.5830 Sandblasting
 211.5850 Sanding Sealers
 211.5870 Screening
 211.5890 Sealer
 211.5910 Semi-Transparent Stains
 211.5930 Sensor
 211.5950 Set of Safety Relief Valves
 211.5970 Sheet Basecoat
 211.5980 Sheet-Fed
 211.5990 Shotblasting
 211.6010 Side-Seam Spray Coat
 211.6025 Single Unit Operation
 211.6030 Smoke
 211.6050 Smokeless Flare
 211.6060 Soft Coat
 211.6070 Solvent
 211.6090 Solvent Cleaning
 211.6110 Solvent Recovery System
 211.6130 Source
 211.6140 Specialty Coatings
 211.6145 Specialty Coatings for Motor Vehicles
 211.6150 Specialty High Gloss Catalyzed Coating
 211.6170 Specialty Leather
 211.6190 Specialty Soybean Crushing Source
 211.6210 Splash Loading
 211.6230 Stack
 211.6250 Stain Coating
 211.6270 Standard Conditions
 211.6290 Standard Cubic Foot (scf)
 211.6310 Start-Up
 211.6330 Stationary Emission Source
 211.6350 Stationary Emission Unit

POLLUTION CONTROL BOARD

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211.6355 Stationary Gas Turbine
 211.6360 Stationary Reciprocating Internal Combustion Engine
 211.6370 Stationary Source
 211.6390 Stationary Storage Tank
 211.6400 Stencil Coat
 211.6410 Storage Tank or Storage Vessel
 211.6420 Strippable Spray Booth Coating
 211.6430 Styrene Devolatilizer Unit
 211.6450 Styrene Recovery Unit
 211.6470 Submerged Loading Pipe
 211.6490 Substrate
 211.6510 Sulfuric Acid Mist
 211.6530 Surface Condenser
 211.6540 Surface Preparation Materials
 211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
 211.6570 Tablet Coating Operation
 211.6580 Texture Coat
 211.6590 Thirty-Day Rolling Average
 211.6610 Three-Piece Can
 211.6620 Three or Four Stage Coating System
 211.6630 Through-the-Valve Fill
 211.6650 Tooling Resin
 211.6670 Topcoat
 211.6690 Topcoat Operation
 211.6695 Topcoat System
 211.6710 Touch-Up
 211.6720 Touch-Up Coating
 211.6730 Transfer Efficiency
 211.6750 Tread End Cementing
 211.6770 True Vapor Pressure
 211.6790 Turnaround
 211.6810 Two-Piece Can
 211.6830 Under-the-Cup Fill
 211.6850 Undertread Cementing
 211.6860 Uniform Finish Blender
 211.6870 Unregulated Safety Relief Valve
 211.6880 Vacuum Metallizing
 211.6890 Vacuum Producing System
 211.6910 Vacuum Service
 211.6930 Valves Not Externally Regulated
 211.6950 Vapor Balance System
 211.6970 Vapor Collection System
 211.6990 Vapor Control System
 211.7010 Vapor-Mounted Primary Seal
 211.7030 Vapor Recovery System
 211.7050 Vapor-Suppressed Polyester Resin
 211.7070 Vinyl Coating
 211.7090 Vinyl Coating Line

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211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in

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R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective JUN 22 1998.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

- methane;
- ethane;
- methylene chloride (dichloromethane);
- 1,1,1-trichloroethane (methyl chloroform);
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- chlorodifluoromethane (CFC-22);
- trifluoromethane (HFC-23);
- difluoromethane (HFC-32);
- ethylfluoride (HFC-161);
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
- 1,1,1,2-tetrafluoroethane (HFC-134a);
- 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

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1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC-245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);
chlorofluoromethane (HCFC-31);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1-chloro-1-fluoroethane (HCFC-151a);
pentafluoroethane (HFC-125);
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5-decafluoropentane (HFC-43-10mee);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTF);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C[4]F[9]OCH[3]);
1-ethoxy-1,1,2,2,3,3,4,4-nonafluorobutane (C[4]F[9]OC[2]H[5]);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
-(CF[3])[2]CF[2]OCH[3]);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
-(CF[3])[2]CF[2]OC[2]H[5]);

perchloroethylene (tetrachloroethylene);
 cyclic, branched, or linear completely-methylated siloxanes;
 acetone (2-propanone or dimethylketone);
 methyl acetate; and

perfluorocarbon compounds which fall into these classes:

- 1) Cyclic, branched, or linear, completely fluorinated alkanes;
 - 2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - 3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - 4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as

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applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency. As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.

- c) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended JUN 22 1998 at 22 Ill. Reg. 11405, effective

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- 1) Heading of the Part: Management of Used and Waste Tires
- 2) Code Citation: 35 Ill. Adm. Code 848
- 3) Section Number: Adopted Action:
848.104 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendments: June 23, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 17, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 22 Ill. Reg. 4240, February 27, 1998
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: A more complete description of this rule may be found in the Board's opinion and order of June 17, 1998 in R98-9. The Board is adding definitions for "Recyclable Tire", "Tire Carcass", and "Tire Derived Fuel". The Board is amending the definitions of "Tire Retreader", "Tire Storage Site", "Tire Storage Unit" and "Tire Transporter". These amendments are necessary for consistency with P.A. 89-200, effective January 1, 1996.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

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The full text of the Adopted Amendments begins on the following page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER m: USED AND WASTE TIRES

PART 848

MANAGEMENT OF USED AND WASTE TIRES

SUBPART A: GENERAL

Section

848.101 Applicability
848.102 Severability
848.103 Other Regulations
848.104 Definitions
848.105 Incorporation by Reference

SUBPART B: MANAGEMENT STANDARDS

Section

848.201 Applicability
848.202 Requirements
848.203 Contingency Plan
848.204 Storage of Used and Waste Tires Within Buildings
848.205 Pesticide Treatment
848.206 Exemptions for Tire Retreading Facilities
848.207 Exemptions for Tire Stamping & Die Cutting Facilities
848.208 Exemptions for Sites With a Tire Removal Agreement

SUBPART C: RECORDKEEPING AND REPORTING

Section

848.301 Applicability
848.302 Records
848.303 Daily Tire Record
848.304 Annual Tire Summary
848.305 Retention of Records
848.306 Certification

SUBPART D: FINANCIAL ASSURANCE

Section

848.400 Scope and Applicability
848.401 Upgrading Financial Assurance
848.402 Release of Financial Institution
848.403 Application of Proceeds and Appeal
848.404 Removal Cost Estimate
848.406 Mechanisms for Financial Assurance

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848.407

Use of Multiple Financial Mechanisms

848.408 Use of a Financial Mechanism for Multiple Sites

848.410 Trust Fund

848.413 Letter of Credit

848.415 Self-Insurance for Non-commercial Sites

SUBPART E: TIRE REMOVAL AGREEMENTS

Section

848.501 Applicability
848.502 Removal Performance Standard
848.503 Contents of Proposed Tire Removal Agreements
848.504 Time Allowed for Tire Removal
848.505 Removal Plan
848.506 Initiation of Tire Removal
848.507 Certification of Removal Completion
848.508 Agency Approval
848.509 Board Review

SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

Section

848.601 Tire Transportation Prohibitions
848.602 Tire Transportation Registrations
848.603 Agency Approval of Registrations
848.604 Registration No Defense
848.605 Duration and Renewal
848.606 Vehicle Placarding

APPENDIX A Financial Assurance Forms

ILLUSTRATION A "Trust Agreement"

ILLUSTRATION B "Certification of Acknowledgement"

ILLUSTRATION C "Irrevocable Standby Letter of Credit"

ILLUSTRATION D "Owner or Operator's Bond Without Surety"

ILLUSTRATION E "Owner or Operator's Bond With Parent Surety"

ILLUSTRATION F "Letter from the Chief Financial Officer"

AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/55.2 and 27].

SOURCE: Adopted in R90-9(A) at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-9(B) at 16 Ill. Reg. 3114, effective February 14, 1992; amended in R98-9 at 22 Ill. Reg. 11420, effective JUN 23 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

SUBPART A: GENERAL

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Section 848.104 Definitions

For the purposes of this Part, except as the context otherwise clearly requires, the words and terms defined in this Section shall have the meanings given herein. Words and terms not defined shall have the meanings otherwise set forth in the Act and regulations adopted thereunder.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5] (~~§§§-Rev-Stat-1989, ch-iii-i/27-par-1001-et-seq-1~~).

"Aisle" means an accessible clear space between storage piles or groups of piles suitable for housekeeping operations, visual inspection of piling areas and initial fire fighting operations.

"Altered Tire" means a used tire which has been altered so that it is no longer capable of holding accumulations of water, including, but not limited to, used tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally and stacked so as not to collect water, or wholly or partially filled with cement or other material to prevent the accumulation of water.

"Alteration" or "altering" means action which produces an altered tire. (Section 54.01 of the Act)

"Converted Tire" means a used tire which has been manufactured into a usable commodity other than a tire. "Conversion" or "Converting" means action which produces a converted tire. Usable products manufactured from tires, which products are themselves capable of holding accumulations of water, shall be deemed to be "Converted" if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance. (Section 54.02 of the Act)

"Covered Tire" means a used tire located in a building, vehicle or facility with a roof extending over the tire, or securely located under a material so as to preclude exposure to precipitation. (Section 54.03 of the Act)

"Disposal" means the placement of used tires into or on any land or water except as an integral part of systematic reuse or conversion in the regular course of business. (Section 54.04 of the Act)

"New Tire" means a tire which has never been placed on a vehicle wheel rim. (Section 54.05 of the Act)

"Processing" means the altering, converting or reprocessing of used or waste tires. (Section 54.06 of the Act)

"Recyclable Tire" means a used tire which is free of permanent

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physical damage and maintains sufficient tread depth to allow its use through resale or repairing. (Section 54.06(a) of the Act)

"Reprocessed Tire" means a used tire which has been recapped, retreaded or regrooved and which has not been placed on a vehicle wheel rim. (Section 54.07 of the Act)

"Retread" or "Retreading" means the process of attaching tread to the casing of used tires.

"Reused Tire" means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted. (Section 54.08 of the Act)

"Storage" means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tire in the regular course of business. (Section 54.09 of the Act)

"Tire" means a hollow ring, made of rubber or similar materials, which was manufactured for the purpose of being placed on the wheel rim of a vehicle. (Section 54.10 of the Act)

"Tire Carcass" means the internal part of a used tire containing the plies, beads, and belts suitable for retread or remanufacture. (Section 54.10(a) of the Act)

"Tire Derived Fuel" means a product made from used tires to exact specification of a system designed to accept a tire derived fuel as a primary or supplemental fuel source. (Section 54.10(b) of the Act)

"Tire Disposal Site" means a site where used tires have been disposed of other than at a landfill permitted by the Agency, or operated in accordance with Section 55(d) of the Act. (Section 54.11 of the Act)

"Tire Retreader" means a person or firm that retreads or remanufactures tires. (Section 54.11(a) of the Act) ~~"Tire--retreader" means a person who retreads used tires.~~

"Tire Storage Site" means a site where used tires are stored or processed, other than the site at which the tires were separated from the vehicle wheel rim, the site where the used tires were accepted in trade as part of a sale of new tires, or a site at which both new and used tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time or a facility at which tires are sold at retail provided that the facility

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maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building so that they are prevented from accumulating water. (Section 54.12 of the Act)

"Tire Storage Unit" means a pile of tires or a group of piles of tires at a storage site. (Section 54.12(a) of the Act) "Tire Storage Unit" means-a-pile-of-tires-or-a-group-of-piles-of-tires-at-a-tire-storage site.

"Tire Transporter" means a person who transports used or waste tires in a vehicle. (Section 54.12(b) of the Act) "Tire Transporter"-means-a person-who-transports-used-or-waste-tires-in-a-vehicle.

"Used Tire" means a worn, damaged or defective tire which is not mounted on a vehicle wheel rim. (Section 54.13 of the Act)

"Vector" means arthropods, rats, mice, birds or other animals capable of carrying disease-producing organisms to a human or animal host. "Vector" does not include animals that transmit disease to humans only when used as human food. (Section 54.14 of the Act)

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, except devices moved by human power or by animal power, devices used exclusively upon stationary rails or tracks, and motorized wheelchairs. (Section 54.15 of the Act)

"Waste Tire" means a used tire that has been disposed of. (Section 54.16 of the Act)

(Source: Amended JUN 23 1998 22 Ill. Reg. 11420, effective

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Permits and General Provisions

2) Code Citation: 35 Ill. Adm. Code 215

3) Section Number: Adopted Action:

215.104 Amended

215.109 Amended

215.204 Amended

215.205 Amended

215.206 Amended

215.207 Amended

215.211 Amended

215.212 Amended

215.214 Repealed

215.601 Repealed

215.602 Repealed

215.603 Repealed

215.604 Repealed

215.605 Repealed

215.606 Repealed

4) Statutory Authority: 415 ILCS 5/27

5) Effective Date of Amendments: June 19, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No, although the existing text of the Part 215 regulations contains incorporations by reference, none of those incorporations are involved in or affected by these amendments.

8) Date filed in Board's principal office: June 4, 1998

9) Notice of proposal published in Illinois Register: 22 Ill. Reg. 3674 (February 21, 1998).

10) Has JCRC issued a statement of objections to these rules? No

11) Differences between proposal and final version: Minor editorial changes were made.

12) Have all the changes agreed upon by the Board and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any other amendments pending on this Part? No

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES
PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
SUBPART A: GENERAL PROVISIONS

POLLUTION CONTROL BOARD
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15) Summary and purpose of amendments: A more detailed discussion of these rules appears in the Board's June 4, 1998 opinion and order. The primary purpose of the amendments is to achieve consistency between Part 215 and other Board regulations regarding volatile organic material emissions from stationary emission sources. The amendments delete duplicated definitions and provisions that apply only in the non-attainment areas of the State.

16) Information and questions regarding the adopted amendment shall be directed to:

Catherine F. Glenn, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6923

Request for copies of the rules or the Board's June 4, 1998 opinion and order should be addressed to Victoria Agyeman, at 312-814-3620 or at the above address and should reference Docket R98-15.

The full text of the adopted amendments begins on the next page:

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215.263	Public Hearing
215.264	Board Action
215.267	Agency Petition

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215.403	Applicability of Subpart K
215.404	Testing and Monitoring (Repealed)
215.405	Compliance Dates and Geographical Areas
215.406	Alternative Compliance Plan
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215.408	Heatset Web Offset Lithographic Printing
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215.432	Inspection Program for Leaks
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215.437	Open-Ended Valves

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215.438 Standards for Control Devices
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INDUSTRIES; ASPHALT MATERIALS

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215.441 Petroleum Refinery Waste Gas Disposal
215.442 Vacuum Producing Systems
215.443 Wastewater (Oil/Water) Separator
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AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective

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August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 1487, effective JUN 19 1998.

SUBPART A: GENERAL PROVISIONS

Section 215.104 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. Where the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Binders":--Organic materials and resins which do not include volatile organic materials.

"Clear--Topcoat":--The final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film.

"Conventional--Soybean--Crushing--Source":--Any hexane extraction soybean crushing equipment that uses direct contact steam for desolventizing and producing toasted soy meals.

"Ethanol--blend--gasoline":--means a mixture of gasoline and at least 9% ethanol by volume.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood furniture.

"Heatset":--A class of web offset lithography which requires a heated dryer to solidify the printing inks.

"Heavy liquid":--liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3 K (70°F) established in a standard reference text or as determined by ASTM method B-3879, or which has 0.1 Reid Vapor Pressure as determined by ASTM method B-323, or which when distilled requires a temperature of 421.95 K (300°F) or greater to recover 10% of the liquid as determined by ASTM method B-86.

"In Vacuum Service": For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment which is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

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"light liquid":--Volatile organic material in the liquid state which is not defined as heavy liquid.

"light oil":--A liquid condensed or absorbed from coke oven gas composed of benzene, toluene, and xylene.

"Material Recover Section":--Any equipment designed to transport and recover styrene monomer and other impurities from other products and by-products in a polystyrene plant, including but not limited to the styrene devolatilizer unit and styrene recovery unit.

"offset":--Use of a blanket cylinder to transfer ink from the plate cylinder to the surface to be printed.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains including stains, glazes and other opaque material to give character to wood.

"Open-Ended Valve": Any valve, except pressure relief devices, having one side of the valve in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

"pigments--Coatings":--Opaque coatings containing binders and colored pigments which are formulated to conceal the wood surface either as an undercoat or topcoat.

"polystyrene--plant":--Any plant using styrene to manufacture polystyrene resin.

"polystyrene--Resin":--A substance consisting of styrene polymer and additives which is manufactured at a polystyrene plant.

"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) (kPa) at 100° F (37.8° C).

"Repair--Coatings":--Coatings to correct imperfections or damage to furniture surface.

"Repaired":--For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment component which is adjusted or otherwise altered to eliminate a leak.

"Retail--Outlet":--means any gasoline dispensing facility at which gasoline is sold or offered for sale for use in motor vehicles.

"Sealer":--Coating containing binders which seals the wood prior to application to subsequent coatings.

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"Semi-transparent Stains":--Stains-containing dyes or semi-transparent pigments which are formulated to enhance wood grain and change the color of the surface but not to conceal the surface, including, but not limited to, sap stain, toner, non-grain-raising stains, pad-stain, spatter-stain;

"Specialty Soybean-Crushing Source":--Any hexane-extraction soybean crushing equipment using indirect steam heat in flash or vapor desolventizers as the primary method of desolventizing and producing specialty solvent-extracted soy flakes, grits or flour;

"Styrene-Devolatilizer-Unit":--Equipment performing the function of separating unreacted styrene monomer and other volatile components from polystyrene in a vacuum devolatilizer;

"Styrene-Recovery-Unit":--Equipment performing the function of separating styrene monomer from other less-volatile components of the styrene devolatilizer unit's output; the separated styrene monomer may be reused as a raw material in the polystyrene plant;

"Wash-Coat":--Coating-containing binders which seals wood surfaces prevents undesired staining and controls penetration;

"Web":--A substrate which is printed in continuous roll-fed presses;

"Wholesale-Purchaser-Consumer":--means any person or organization that purchases or obtains gasoline from a supplier for ultimate consumption or use in motor vehicles and receives delivery of the gasoline into a storage tank with a capacity of at least 550 gallons (2002 liters) owned and controlled by that person;

"Wood-Furniture":--Room furnishings including cabinets (kitchen, bath and vanity), tables, chairs, beds, sofas, shutters, art objects, wood paneling, wood flooring, and any other coated furnishings made of wood, wood composition or fabricated wood materials;

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1993)

Section 215.109 Monitoring for Negligibly-Reactive Compounds

Any provision of 35 Ill. Adm. Code 211 notwithstanding, the Agency may require an owner or operator to submit monitoring or testing methods and results for any of the compounds listed at 35 Ill. Adm. Code 211.7150122 as exempted from the definition of "volatile organic material" demonstrating the amount of exempted compounds in the source's emissions, as a precondition to such exemption, where direct quantification of volatile organic material emissions is not possible due to any of the following circumstances which make it

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necessary to quantify the exempt compound emissions in order to quantify volatile organic material emissions:

- a) VOMs and exempted compounds are mixed together in the same emissions;
- b) There are a large number of exempted compounds in the same emissions; or
- c) The chemical composition of the exempted compounds in the emissions is not known.

Board Note: Derived from the USEPA "Recommended Policy on the Control of Volatile Organic Compounds", as amended at 56 Fed. Reg. 11418, March 18, 1991, and subsequently codified as 40 CFR 51.100(s), as added at 57 Fed. Reg. 3941 (Feb. 3, 1992). See also 35 Ill. Adm. Code 211.7150122 for the basic definition of "volatile organic material." USEPA is not bound by any state determination as to monitoring. 40 CFR 51.100(s)(4).

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1993)

SUBPART F: COATING OPERATIONS

Section 215.204 Emission Limitations for Manufacturing Plants

No owner or operator of a coating line shall cause or allow the emission of volatile organic material to exceed the following limitations on coating materials, excluding water and any compounds which are specifically exempted from the definition of volatile organic material pursuant to this Part, delivered to the coating applicator:

- a) Automobile or Light Duty Truck Manufacturing Plants
- kg/t lb/gal
- 1) In Cook County
- Prime-coat 0-14 {1-2}
- Prime-surfacer-coat 0-34 {2-8}
- {BOAR-NOTE:--The prime-surfacer-coat-limitation-is-based-upon-a transfer-efficiency-of-30-percent---The prime-surfacer-coat limitation-shall-not-apply-until-December-31-1982-}
- Top-coat 0-34 {2-8}
- {BOAR-NOTE: The limitation-is-based-upon-a transfer-efficiency of-30-percent---The top-coat-limitation-shall-not-apply-until December-31-1985-}
- Final-repair-coat 0-50 {4-8}
- {BOAR-NOTE:--The limitation-shall-not-apply-until-December-31-1985-}
- 12) In Boone County
- kg/l lb/gal
- Prime coat 0.14 (1.2)
- Prime surfacer coat surfacer 0.34 (2.8)
- Top coat 0.34 (2.8)

(BOARD NOTE: The top coat limitation shall not apply if by December 31, 1984 a limitation of 0.43 kg/l (3.6 lb/gal) is

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- 6) Semi-transparent stain 0.79 (6.6)
 7) Wash coat 0.73 (6.1)
 m) Existing-Diesel-Electric-locomotive-Coating-Bines-in-Cook-County
 1) Extreme-performance-prime-coat 0-42 (3-5)
 2) Extreme-performance-top-coat-air dried 0-52 (4-3)
 3) Prime-repair-coat-air-dried 0-58 (4-8)
 4) High-temperature-atomium coating 0-72 (6-8)
 5) All-other-coatings 0-36 (3-8)
- (BOARD NOTE: The repair coat has overall transfer efficiency of 30 percent; all others have an overall transfer efficiency of 65 percent.)

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.205 Alternative Emission Limitations

Owners or operators of coating lines subject to Section 215.204 may comply with this Section, rather than with Section 215.204. The methods or procedures used to determine emissions of organic material under this Section shall be approved by the Agency. Emissions of volatile organic material from emission units sources subject to Section 215.204, are allowable, notwithstanding the limitations in Section 215.204, if:

- a) For those emission units sources subject to Section 215.204(b), the emissions are controlled by an afterburner system which provides:
- 1) 75% reduction in the overall emissions of volatile organic material from the coating line, and
 - 2) Oxidation to carbon dioxide and water of 90% of the nonmethane volatile organic material (measured as total combustible carbon) which enters the afterburner.
- b) For all other emission units sources subject to Section 215.204, the emissions are controlled by an afterburner system which provides:
- 1) 81% reduction in the overall emissions of volatile organic material from the coating line, and
 - 2) Oxidation to carbon dioxide and water of 90% of the nonmethane volatile organic material (measured at total combustible carbon) which enters the afterburner.
- c) The system used to control such emissions is demonstrated to have control efficiency equivalent to or greater than that provided under the applicable provision of Section 215.204 or subsection (a) or (b).

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.206 Exemptions from Emission Limitations

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- a) The limitations of this Subpart shall not apply to:
- 1) Coating plants in which whose emissions of volatile organic material as limited by the operating permit will not exceed 22.7 Mg/year (25 T/year), in the absence of air pollution control equipment; or
 - 2) Coating plants in which the total coating usage does not exceed 9,463 l/yr (2,500 gal/yr); or
 - 3) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance provided that:
 - A) The operation of the source is not an integral part of the production process;
 - B) The emissions from the source do not exceed 363 kg (800 lbs) in any calendar month; and
 - C) The exemption is approved in writing by the Agency.
- b) The limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described in Section 215.204(b), (d), (f), (g), (i), and (j) of this Subpart; provided that the source-wide volume of such coatings does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve-month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (c) of this Section.
- b) The limitations of Section 215.204(j) shall not apply to the Wauegan, Illinois, facilities of the Outboard Marine Corporation, so long as the emissions of volatile organic material related to the surface coating of miscellaneous metal parts and products at these facilities do not exceed 35 tons per year.
- c) The owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 215.204(b), (d), (f), (g), (i), and (j) of this Subpart because of the provisions of subsection (b) of this Section shall:
- 1) Collect and record the name, identification number, and volume of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
 - 2) Perform calculations on a daily basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
 - 3) Perform calculations on a monthly basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve-month period;
 - 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsection (b) of this Section on or before January 31 of the following year;
 - 5) Maintain at the source for a minimum of three years all records

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required to be kept under this subsection (c) and make such records available to the Agency upon request; and

6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve-month period within 30 days after such exceedence. Such notification shall include a copy of any records of such exceedence.

d) "Touch-up and repair coatings" means, for purposes of this Section, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

ec) Notwithstanding the limitations of Section 215.204(k)(2), the John Deere Harvester-Moline Works of Deere & Company, Moline, Illinois, shall not cause or permit the emission of volatile organic material from its existing green and yellow flocoating operations to exceed a weekly average of 6.2 lb/gal.

(Source: Amended at 22 Ill. Reg. 11423, effective 11/19/1998)

Section 215.207 Compliance by Aggregation of Emission Units Sources

a) Owners or operators of coating lines subject to Section 215.204 may comply with this Section rather than with Section 215.204. The methods or procedures used to determine emissions of volatile organic material under this Section shall be approved by the Agency in accordance with 35 Ill. Adm. 201. Emissions of volatile organic material from sources subject to Section 215.204 are allowable, notwithstanding the limitations in Section 215.204, if the combined actual emissions from selected coating lines at the coating plant, but not including coating lines or other emission sources constructed or modified after July 1, 1979, is less than or equal to the combined allowable emissions as determined by the following equations:

$$E[ALL] = \sum_{j=1}^m \sum_{i=1}^n (A[i]B[i])(j)$$

$$E[ACT] = \sum_{j=1}^m \sum_{i=1}^n (C[i]B[i])(1 - D[i])(j)$$

b) A[i] shall be determined by the following formula:

$$A[i] = \frac{R[i]}{1 - (R[i]/S[i])}$$

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c) As used in subsection (a) and (b), symbols mean the following:

E[ALL] = the allowable volatile organic material emissions from the coating plant in kg/day (lb/day).

A[i] = the allowable emission limit for a coating pursuant to Section 215.204 expressed in kg/l (lbs/gal) of coating solids.

B[i] = the volume of coating solids in l/day (gal/day) in a coating as delivered to the coating line.

m = the number of coating lines included in the combined emission rate.

n = the number of different coatings delivered to a coating line.

E[ACT] = the actual volatile organic material emissions from the coating plant in kg/day (lbs/day).

C[i] = the weight of volatile organic material per volume of solids in kg/l (lb/gal) for a coating.

D[i] = the control efficiency by which emissions of volatile organic material from a coating are reduced through the use of control equipment.

R[i] = the applicable volatile organic material emission limit pursuant to Section 215.204, for a coating in kg/l (lb/gal).

S[i] = the density of the volatile organic material in a coating in kg/l (lb/gal).

d) The owner or operator of the coating plant shall maintain records of the density of the volatile organic material in each coating, the quantity and volatile organic material and solids content of each coating applied and the line to which coating is applied, in such a manner so as to demonstrate continuing compliance with the combined allowable emissions.

e) Except for emission units sources subject to Section Sections 215.301 or 215.302, credits from emission units sources at the coating plant that are subject to this Part, other than coating lines, may be given to the extent that emissions are reduced from the allowable emission limits for such emission units sources contained in either this Part

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or any existing operating permit, whichever limit is less.

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1988)

Section 215.211 Compliance Dates and Geographical Areas

a) Except as otherwise stated in subsection (b), every owner or operator of an emission unit source subject to Section 215.204(j), (k), (l), or (m) shall comply with those subsections sections in accordance with the following dates:

- 1) For Section 215.204(j) and (k)(2) Extreme performance prime coat and final repair coat - air dried, by December 31, 1983.
- 2) For Section 215.204(k)(1) and (m), by December 31, 1987.
- 3) For Section 215.204(k)(2) Extreme performance top coat - air dried, in accordance with Section 215.210.
- 4) For Section 215.204(l), by December 31, 1985.

b) If an emission unit source is not located in one of the nonattainment counties or counties contiguous to nonattainment counties listed below, the owner or operator of the emission unit source shall comply with the requirements of Section 215.204(j), (k) or (l) no later than December 31, 1987:

Bond	Madison
Clinton	McHenry
Cook	Monroe
DeKalb	Montgomery
DuPage	Morgan
Franklin	Pope
Greene	Randolph
Jackson	Saline
Jersey	Sangamon
Johnson	St. Clair
Kane	Union
Kendall	Washington
Lake	Will
Macoupin	Williamson

(BOARD NOTE: Counties are designated as attainment or nonattainment for ozone by the United States Environmental Protection Agency (USEPA). The USEPA noted in its redesignation rulemaking, that it will publish a rulemaking notice on Williamson County's attainment status. (45 Fed. Reg. 21949, May 16, 1983.) Should Williamson County be redesignated as attainment prior to October 31, 1985, it and the counties contiguous to it will be considered deleted from the above list.)

c) Notwithstanding subsection (b), if any county is designated as nonattainment by the USEPA at any time subsequent to the effective date of this rule, the owner or operator of an emission source located in that county or any county contiguous to that county who would

otherwise be subject to the compliance date in subsection (b) shall comply with the requirements of Section 215.204(j), (k) or (l) within one year from the date of redesignation but in no case later than December 31, 1987.

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1988)

Section 215.212 Compliance Plan

- a) The owner or operator of an emission unit source subject to Section 215.211(a) (1) or (3) shall submit to the Agency a compliance plan on or before August 19, 1983.
- b) The owner or operator of an emission unit source subject to Section 215.211(a)(4) shall submit to the Agency a compliance plan on or before October 31, 1985.
- c) The owner or operator of an emission unit source subject to Section 215.211(b) shall submit to the Agency a compliance plan, no later than December 31, 1986.
- d) The owner or operator of an emission unit source subject to Section 215.211(c) shall submit a compliance plan within 90 days after the date of redesignation, but in no case later than December 31, 1986.
- e) The owner or operator of an emission unit source subject to Section 215.211(c) shall not be required to submit a compliance plan if redesignation occurs after December 31, 1986.
- f) The plan and schedule shall meet the requirements of 35 Ill. Adm. Code 201.

(Source: Amended at 22 Ill. Reg. 11427, effective JUN 19 1988)

Section 215.214 Roadmaster Emissions Limitations (Repealed)

Notwithstanding the limitations of Section 215.204(j)(3), the Roadmaster Corporation, Elmhurst, Illinois, shall not cause or permit the emission of volatile organic material from its existing black and white flowcoating operations to exceed a weekly average of 5.9 lb/gal Roadmaster-shall fulfill all of the following conditions:

- a) Roadmaster shall contact at least three paint vendors each year in a continuing search for a compliant coating that it can successfully use in its existing flowcoating oven operations, including any paint vendors suggested by the Agency in a writing delivered to Roadmaster by certified mail.
- b) If any vendor provides Roadmaster with laboratory test results which demonstrate that Roadmaster may be able to use the vendor's paint in its existing flowcoater and even as a substitute for the existing paint, Roadmaster will conduct production tests of that paint.
- c) Roadmaster will submit a report to the Agency by March 1 of each year

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- that--includes--a--summary--of--its--efforts--during--the--preceding--calendar--year--as--those--efforts--relate--to--Roadmaster's--compliance--with--the--foregoing--conditions--contained--in--subsections--(1) and (2)--above--
- d) If--Roadmaster--locates--a--compliant--paint--that--it--can--successfully--use--in--its--existing--flowcoating--operations--and--the--net--annual--expense--of--using--the--compliant--paint--is--not--more--than--10--percent--greater--than--the--then--current--net--annual--expense--incurred--in--the--existing--painting--process--Roadmaster--shall--convert--its--present--flowcoating--operations--to--the--use--of--that--paint--within--100--days--after--the--final--successful--testing--of--such--a--paint--and
- e) This--Section--shall--expire--on--January--17--2000--at--which--time--Roadmaster--shall--comply--with--the--provisions--that--generally--apply--to--VOM--emissions.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

SUBPART Z: DRY CLEANERS

Section 215.601 Perchloroethylene Dry Cleaners (Repealed)

- the--owner--or--operator--of--a--dry--cleaning--facility--which--uses--perchloroethylene--shall:
- a) Vent--the--entire--dryer--exhaust--through--a--properly--designed--an--functioning--carbon--adsorption--system--or--equally--effective--control--device--and
- b) Emit--no--more--than--100--ppmv--of--volatile--organic--material--from--the--dryer--control--device--before--dilution--or--achieve--a--99--percent--average--reduction--before--dilution--and
- c) Immediately--repair--all--components--found--to--be--leaking--liquid--volatile--organic--material--and
- d) Cook--or--treat--all--distomaceous--earth--filters--so--that--the--residue--contains--25--kg--(55--lb)--or--less--of--volatile--organic--material--per--100--kg--(220--lb)--of--wet--waste--material--and
- e) Reduce--the--volatile--organic--material--from--all--solvent--stillis--to--60--kg--(132--lb)--or--less--per--100--kg--(220--lb)--of--wet--waste--material--and
- f) Brain--all--filtration--cartridges--in--the--filter--housing--or--other--sealed--container--for--at--least--24--hours--before--discarding--the--cartridges--and
- g) Dry--all--drained--filtration--cartridges--in--equipment--connected--to--a--carbon--absorption--system--meeting--the--requirements--of--subsections--(a) and (b)--or--an--emission--reduction--system--or--in--a--manner--that--will--eliminate--emission--of--volatile--organic--material--to--the--atmosphere.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.602 Exemptions (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The--provisions--of--Section--215.601--are--not--applicable--to--perchloroethylene--dry--cleaning--operations--which--are--coin--operated--or--to--dry--cleaning--facilities--consuming--less--than--30--gallons--per--month--(360--gallons--per--year)--of--perchloroethylene.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.603 Leaks (Repealed)

The--presence--of--leaks--shall--be--determined--for--purposes--of--Section--215.603--(c) by--a--visual--inspection--of--the--following--:--hose--connections--;--unions--;--couplings--and--valves--;--machine--door--gaskets--and--seatings--;--filter--head--gasket--and--seatings--;--pumps--;--base--tanks--and--storage--containers--;--water--separators--;--filter--studge--recovery--distillation--unit--;--diverter--valves--;--saturated--lint--from--lint--baskets--and--cartridge--filters--.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.604 Compliance Dates and Geographical areas (Repealed)

- a) Except--as--otherwise--stated--in--subsection--(b)--;--every--owner--or--operator--of--an--emission--source--subject--to--this--Subpart--shall--comply--with--its--standards--and--limitations--in--accordance--with--the--following--dates--:
- 1) For--Sections--215.601(a)--through--215.601(c)--;--by--December--31--1983--;
- 2) For--Sections--215.601(d)--through--215.601(g)--;--by--May--17--1987--;
- b) If--an--emission--source--is--not--located--in--one--of--the--counties--listed--below--and--is--also--not--located--in--any--county--contiguous--thereto--;--the--owner--or--operator--of--the--emission--source--shall--comply--with--the--requirements--of--Sections--215.601--through--215.603--no--later--than--December--31--1987--:
- | | |
|---------|-------------|
| Cook | Macoupin |
| Madison | Monroe |
| Kane | Saint-Clair |
| lake | |
- (REPEAL) These--counties--are--proposed--to--be--designated--as--nonattainment--by--the--USEPA--at--47--Fed--Reg--31588--July--21--1982--.
- c) Notwithstanding--subsection--(b)--above--;--if--any--county--is--designated--as--nonattainment--by--the--USEPA--at--any--time--subsequent--to--the--effective--date--of--this--Section--;--the--owner--or--operator--of--an--emission--source--located--in--that--county--or--any--county--contiguous--to--that--county--who--would--otherwise--be--subject--to--the--compliance--date--in--subsection--(b) shall--comply--with--the--requirements--of--Sections--215.601--through--215.603--within--one--year--from--the--date--of--redesignation--but--in--no--case--later--than--December--31--1987--.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

POLLUTION CONTROL BOARD

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JUN 19 1998

Section 215.605 Compliance Plan (Repealed)

- a) The owner or operator of an emission source subject to Section 215.604(a) shall submit to the Agency a compliance plan pursuant to 35 Ill. Adm. Code 201.153 Subpart H, including a project completion schedule where applicable, no later than for Section 215.604(a) and (b), April 21, 1993.
- b) The owner or operator of an emission source subject to Section 215.604(b) shall submit to the Agency a compliance plan including a project completion schedule where applicable, no later than December 31, 1996.
- c) The owner or operator of an emission source subject to Section 215.604(c) shall submit a compliance plan, including a project completion schedule within 90 days after the date of redesignation, but in no case later than December 31, 1996.
- d) Unless the submitted compliance plan or schedule is disapproved by the Agency, the owner or operator of a facility or emission source subject to the rules specified in subsections (a), (b) or (c) may operate the emission source according to the plan and schedule as submitted.
- e) The plan and schedule shall meet the requirements of 35 Ill. Adm. Code 201.153 Subpart H, including specific interim dates as required in 35 Ill. Adm. Code 201.154.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

Section 215.606 Exception to Compliance Plan (Repealed)

Coin-operated dry-cleaning operations and dry-cleaning facilities consuming less than 30 gallons per month (360 gallons per year) of perchloroethylene are not required to submit or obtain an Agency-approved compliance plan or project completion schedule.

(Source: Repealed at 22 Ill. Reg. 11427, effective JUN 19 1998)

POLLUTION CONTROL BOARD

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1) Heading of the Part: Permits and General Provisions2) Code Citation: 35 Ill. Adm. Code 201

Section Number:	Adopted Action:
201.152	Amended
201.153	Repealed
201.154	Repealed
201.155	Repealed
201.157	Amended
201.158	Amended
201.159	Amended
201.160	Amended
201.162	Amended
201.163	Amended
201.164	Amended
201.169	Added
201.180	Repealed
201.181	Repealed
201.187	Repealed
201.207	Amended

4) Statutory Authority: 415 ILCS 5/10, 27, and 395) Effective Date of Amendments: June 23, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporation by reference? No8) Date Filed in Agency's Principal Office: June 17, 19989) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 16023 (December 12, 1997)10) Has JCAR issued a Statement of Objections to these Rules? No11) Differences between proposal and final version:

In Section 201.169(a)(2), replaced "(b)(1)" with "(b)(2)".

Section 201.169(a)(4) has been deleted.

In Section 201.169(b), the order of paragraphs (1) and (2) has been reversed, i.e., the text formerly found at paragraph (2) is now found at paragraph (1), and vice versa.

In Section 201.169(b)(3), replaced "(b)(1)" with "(b)(2)".

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	Other Definitions
201.101	Definitions
201.102	Abbreviations and Units
201.103	Incorporations by Reference
201.104	

SUBPART B: GENERAL PROVISIONS

Section	Existence of Permit No Defense
201.121	Proof of Emissions
201.122	Burden of Persuasion Regarding Exceptions
201.123	Annual Report
201.124	Severability
201.125	Repealer
201.126	

SUBPART C: PROHIBITIONS

Section	Prohibition of Air Pollution
201.141	Construction Permit Required
201.142	Operating Permits for New Sources
201.143	Operating Permits for Existing Sources
201.144	Exemptions from State Permit Requirements
201.146	Former Permits
201.147	Operation Without Compliance Program and Project Completion Schedule
201.148	Operation During Malfunction, Breakdown or Startups
201.149	Circumvention
201.150	Design of Effluent Exhaust Systems
201.151	

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	Contents of Application for Construction Permit
201.152	Incomplete Applications <u>(Repealed)</u>
201.153	Signatures <u>(Repealed)</u>
201.154	Standards for Issuance <u>(Repealed)</u>
201.155	Conditions
201.156	

POLLUTION CONTROL BOARD
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12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? No letter of agreement was issued by JC&R.

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: For a detailed discussion of the adopted rules, please refer to the Illinois Pollution Control Board's final opinion and order in R98-13, adopted on June 17, 1998, copies of which may be obtained as described below.

The rules are required by Section 39(a) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/39(a)] as amended by P.A. 90-367, effective August 10, 1997. P.A. 90-367 mandated a rule change to allow IEPA to issue "perpetual" permits for some sources, to relieve them of the need to renew permits every five years.

The amendments allow for Agency issuance of perpetual permits for source that emit 25 tons or more per year and are not subject to Section 39.5 of the Act [415 ILCS 5/39.5] or required to obtain a federally enforceable State operating permit. 35 Ill. Adm. Code 201.Subpart E is deleted in its entirety. The proposal also includes several "clean up" amendments to delete duplicative sections within 35 Ill. Adm. Code 201.Subpart D.

16) Information and questions regarding this adopted rule shall be directed to:

Charles A. King, Attorney
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601
312-814-6926

Requests for copies of the Illinois Pollution Control Board's June 17, 1998, opinion and order in R98-13 should be directed to Victoria Agyeman at 312-814-3620 or at the above address and should refer to docket R98-13.

The full text of the Adopted Amendments begins on the following page:

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201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
201.163 Joint Construction and Operating Permits
201.164 Design Criteria
201.165 Hearings
201.166 Revocation
201.167 Revisions to Permits
201.168 Appeals from Conditions
201.169 Special Provisions for Certain Operating Permits

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section
201.180
201.181
201.187

Applicability (Repealed)
Expiration and Renewal (Repealed)
Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section
201.207
201.208
201.209
201.210
201.211
201.212

Applicability
Supplemental Information
Emissions of Hazardous Air Pollutants
Categories of Insignificant Activities or Emission Levels
Application for Classification as an Insignificant Activity
Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (RESERVED)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION
SCHEDULES

Section
201.241
201.242
201.243
201.244
201.245
201.246
201.247

Contents of Compliance Program
Contents of Project Completion Schedule
Standards for Approval
Revisions
Effects of Approval
Records and Reports
Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

POLLUTION CONTROL BOARD

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Section
201.261

Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
Records and Reports
201.263 Continued Operation or Startup Prior to Granting of Operating Permit
201.264 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup
201.265

SUBPART J: MONITORING AND TESTING

Section
201.281
201.282
201.283

Permit Monitoring Equipment Requirements
Testing
Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
201.301
201.302

Records
Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401
201.402
201.403
201.404
201.405
201.406
201.407
201.408

Continuous Monitoring Requirements
Alternative Monitoring
Exempt Sources
Monitoring System Malfunction
Excess Emission Reporting
Data Reduction
Retention of Information
Compliance Schedules

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table
APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989;

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amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective JUN 23 1998.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.152 Contents of Application for Construction Permit

An application for a construction permit shall contain, as a minimum, the following data and information: The nature of the emission unit source and air pollution control equipment, including the expected life and deterioration rate; information concerning processes to which the emission unit source or air pollution control equipment is related; the quantities and types or materials to be used in the emission source or air pollution control equipment; the nature, specific points of emission sources and quantities of uncontrolled emissions at the source that facility which includes the emission unit source or air pollution control equipment; the type, size, efficiency and specifications (including engineering drawings, plans and specification certified to by a registered Illinois professional engineer) of the proposed emission unit source or air pollution control equipment; maps, statistics and other data reasonably sufficient to describe the location of the emission unit source or air pollution control equipment. The Agency may waive the submission by the applicant of such engineering drawings, plans, specifications or such other portions of the above data or information as it shall deem inappropriate or unnecessary to the construction permit application, provided that any such waiver by the Agency shall be given in writing to the applicant. The Agency may adopt procedures that which require data and information in addition to and in amplification of the matters specified in the first sentence of this Section paragraph, that which are reasonably designed to determine compliance with this Chapter and ambient air quality standards, or that and which set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.153 Incomplete Applications (Repealed)

An application shall not be deemed to be filed until the applicant has submitted all information and completed all application forms required by Section 201.152 and procedures adopted and effective pursuant thereto. Provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reasons the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing.

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The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.154 Signatures (Repealed)

All applications and supplements thereto shall be signed by the owner and operator of the emission source or air pollution control equipment, or their authorized agent, and shall be accompanied by evidence of authority to sign the application.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.155 Standards for Issuance (Repealed)

No construction permit shall be granted unless the applicant submits proof to the Agency that:

- a) The emission source or air pollution control equipment will be constructed or modified to operate so as not to cause a violation of the Act or of this Chapter; and
- b) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.157 Contents of Application for Operating Permit

An application for an operating permit shall contain, as a minimum, the data and information specified in Section 201.152. Each application shall list all individual emission units and air pollution equipment sources for which a permit is sought. Any applicant may seek to obtain from the Agency a permit for each emission unit source, or such emission units sources as are similar in design or principle of operation or function, or for all emission units sources encompassed in an identifiable operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to obtain an operating permit with federal enforceable conditions pursuant to Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency pursuant to this Subpart, the data and information need not be resubmitted; provided, however, that the applicant must certify that the data and information previously submitted remains true, correct and current. An application for an operating permit shall contain a description of the startup procedure for each emission unit source, the duration and frequency of startups, the types and quantities of emissions during startup, and the

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of the Act or of this Chapter; and
 2) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Part.

b) No operating permit shall be granted unless the applicant submits proof to the Agency that:

1)a) The emission unit source or air pollution control equipment has been constructed or modified to operate so as not to cause a violation of the Act or of this Chapter, or has been granted a variance therefrom by the Board and is in full compliance with such variance; and

2)b) The emission unit source or air pollution control equipment has been constructed or modified in accordance with all conditions in the construction permit, where applicable; and

3)c) The emission unit source or air pollution control equipment has been shown by tests in accordance with the provisions of Subpart J of this Part, applicable regulations, and permit conditions to operate in accordance with the emission limitations set forth in this Chapter, provided that the Agency may waive the requirement for actual tests where sufficient standard testing information is available; and

4)d) The applicant has taken all technically feasible measures, including changes in work rules, to minimize the duration and frequency of startups and to reduce the quantity of emissions during startups; and

5)e) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Part; and

6)f) If required, the applicant has an approved episode action plan in effect in accordance with the provisions of 35 Ill. Adm. Code 244.

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.162 Duration

No operating permit shall be valid for longer than five years or such shorter period as the Agency may specify in the operating permit as necessary to accomplish the purposes of the Act and this Chapter unless the source is subject to Section 201.169 of this Subpart E-of-this-Part. Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

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applicant's efforts to minimize any such startup emissions, duration of individual startups, and frequency of startups. If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups and quantities of emissions during startup in excess of emissions during operations, and the applicant's efforts to minimize any such startup emissions. The Agency may adopt procedures that which require data and information in addition to and in amplification of the matters specified in the first sentence of this Section section, that which are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and that which set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.158 Incomplete Applications

An application shall not be deemed to be filed until the applicant has submitted all information and completed application forms required by Section 201.152 or 201.157 of this Subpart, whichever is applicable, and procedures adopted and effective pursuant hereto. Provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reasons the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review, pursuant to Section 40 of the Act [415 ILCS 5/40].

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.159 Signatures

All applications and supplements thereto shall be signed by the owner and operator of the emission source or air-pollution-control-equipment, or their authorized agent, and shall be accompanied by evidence of authority to sign the application.

(Source: Amended at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.160 Standards for Issuance

a) No construction permit shall be granted unless the applicant submits proof to the Agency that:

1) The emission unit or air pollution control equipment will be constructed or modified to operate so as not to cause a violation

POLLUTION CONTROL BOARD

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Section 201.163 Joint Construction and Operating Permits

In cases where the Agency determines that an emission unit source or air pollution control equipment is sufficiently standard so as to obviate the need for separate construction and operating permits, the Agency may issue a joint construction and operating permit. The Agency may adopt procedures that which set forth the circumstances under which joint construction and operating permits may be issued; require data and information designed to determine compliance with this Chapter and ambient air quality standards; and which set forth the format by which all data and information shall be submitted. The standards for issuance of joint construction and operating permits shall be as set forth in Section Sections 201-155 and 201.160. Except as herein provided, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. No joint construction and operating permit shall be valid longer than five years or such shorter period as the Agency may specify the joint construction and operating permit as necessary to accomplish the purposes of this Chapter unless the source is subject to Subpart B of this Part. Applications for renewal of a permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit and shall conform to such procedures as may have been adopted by the Agency, and the standards for issuance of renewal permits shall be as set forth in Sections 201-155 and 201-160. The term "operating permit" as used elsewhere in this Chapter shall be deemed to include a joint construction and operating permit.

(Source: Amended at 22 Ill. Reg. 114513, effective JUN 23 1998)

Section 201.164 Design Criteria

- a) The Agency may adopt procedures that which set forth criteria for the design, operation or maintenance of emission units sources and air pollution control equipment. These procedures shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any criteria adopted by the Agency, the Agency shall:
 - 1) Publish a summary of the proposed changes in the Environmental Register or a comparable publication at the Agency's expense; and
 - 2) Provide a copy of the full text of the proposed changes to any person who in writing so requests; and
 - 3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

(Source: Amended at 22 Ill. Reg. 114513, effective JUN 23 1998)

Section 201.169 Special Provisions for Certain Operating Permits

POLLUTION CONTROL BOARD

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a) Applicability:

- 1) Operating permits issued pursuant to Section 39 of the Act for sources of air pollution that are not subject to the requirements of Section 39.5 of the Act and are not required to have a federally enforceable State operating permit are subject to the provisions of this Section.
- 2) This Section only applies to sources that meet the requirements of subsection (a)(1) above and whose permit has not expired pursuant to a renewal request under subsection (b)(2) of this Section. If this Section no longer applies to a source and its permit has not expired pursuant to a renewal request under subsection (b)(2) of this Section, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or is withdrawn.
- 3) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Section from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units.

b) Expiration and Renewal:

- 1) The Agency may request the renewal of an operating permit subject to this Section for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
- 2) Notwithstanding Section 201.162 of this Subpart, an operating permit subject to this Section shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
- 3) In its request for renewal pursuant to subsection (b)(2) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Section or the ability of the source to comply with any requirement.
- 4) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.168 of this Subpart, or a determination that a permit application is incomplete based upon insufficiencies such as, but not limited to, a failure to submit information requested under subsection (b)(3) above or Section 201.158 of this Subpart.

c) Requirement for a Revised Permit:

- 1) Persons with operating permits subject to this Section must obtain a revised permit prior to any of the following changes at

POLLUTION CONTROL BOARD

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the source:

- A) An increase in emissions above the amount the emission unit or the source is permitted to emit; or
 B) A modification; or
 C) A change in operations that will result in the source's noncompliance with a condition in the existing permit; or
 D) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

- 2) If changes in the source's emission units or control equipment remove a source from the applicability of this Section, an owner or operator shall apply for a construction permit under Section 201.152 of this Subpart, if applicable, and either a federally enforceable State operating permit or a Clean Air Act Permit Program (CAAPP) permit pursuant to Section 39.5 of the Act.

(Source: Added at 22 Ill. Reg. 11451, effective JUN 23 1998)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

Section 201.180 Applicability (Repealed)

- a) Persons--required--to--obtain--operating--permits--under--Part-201--are subject-to-this-Subpart-if:
 1) The total emissions of all regulated air pollutants, as defined by 35 Ill. Adm. Code 211.5506(b), that the source is permitted to emit on an annual basis are less than 25 tons; and
 2) The source is not subject to the operating permit requirements under Section 39.5 of the Act.
 b) This Subpart only applies to sources which meet the requirements of subsection (a) above and whose permit has not expired pursuant to a renewal request under Section 201.181(a) of this Subpart. If this Subpart no longer applies to a source and its permit has not expired pursuant to a renewal request under Section 201.181(a) of this Subpart, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or it is withdrawn.
 c) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Subpart from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units. Unless specifically stated otherwise in this Subpart, all rules in this Part apply.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

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Section 201.181 Expiration and Renewal (Repealed)

- a) Notwithstanding Section 201.162 of this Part, an operating permit subject to this Subpart shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall also terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
 b) The Agency may request the renewal of an operating permit subject to this Subpart for reasons including, but not limited to, a change in the requirements applicable to the source, an indication that the information on the source's application is inaccurate or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
 c) In its request for renewal pursuant to subsection (a) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Subpart or the ability of the source to comply with any applicable requirement.
 d) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.210 of this Part or a determination that a permit application is incomplete based upon but not limited to a failure to submit information requested under subsection (c) above or Section 201.158 of this Part.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

Section 201.187 Requirement for a Revised Permit (Repealed)

- a) Persons with operating permits subject to this Subpart must obtain a revised permit prior to any of the following changes at the source:
 1) An increase in emissions above the amount the emission unit or the source is permitted to emit; or
 2) A modification; or
 3) A change in operations which will result in the source's noncompliance with a condition in the existing permit; or
 4) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.
 b) If changes in the source's emission units or control equipment remove a source from the applicability of this Subpart, an owner or operator shall apply for a revised permit under Subpart B of this Part or under Section 39.5 of the Act.

(Source: Repealed at 22 Ill. Reg. 11451, effective JUN 23 1998)

SUBPART F: CAAPP PERMITS

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Section 201.207 Applicability

This Subpart shall apply only to sources subject to Section 39.5 of the Act. The requirements of Sections 201.143 through 201.148 of Subpart C, Sections 201.157 through 201.165 and 201.169 of Subpart D, and Subparts G, H and I of this Part shall not apply to a source subject to the requirements of Section 39.5 of the Act.

(Source: Amended at 22 Ill. Reg. 11451, effective

JUN 23 1998)

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Pretreatment Programs

- 1) Heading of Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Number
310.501 Amended
310.503 Amended
310.510 Amended
310.542 Amended
310.612 Amended
310.921 Repealed
310.922 Added
310.923 Added
310.924 Added
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27
- 5) Effective Date of Amendments: June 22, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: June 17, 1998
- 9) Notice of proposal published in Illinois Register: 22 Ill. Reg. 7465 (May 1, 1998)
- 10) Has JCAR issued a statement of objections to these rules? No
- 11) Differences between proposal and final version: JCAR recommended several non-substantive corrections to the proposed amendments for the sake of clarification and consistency. These recommended changes have been incorporated into the final rule.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of June 17, 1998, in R98-23, which opinion is available from the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] do not apply. Because this rulemaking is not subject to Section

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5-35 or 5-40 of the IAPA, it is not subject to first notice or second notice review by JCAR.

The R98-23 proceeding updates Part 310 of the Illinois wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1997 through December 31, 1997. During this period, USEPA amended its regulations as follows:

<u>Federal Action</u>	<u>Summary</u>
62 Fed. Reg. 38406 (July 17, 1997)	Amendments to the Procedure for Modification of a Wastewater Pretreatment Program incorporated into an NPDES Permit. USEPA amended its wastewater pretreatment rules and NPDES permit rules to streamline the process in order to reduce the administrative burden and cost of program modifications.

The Board incorporated the federal amendments of July 17, 1997 with only minor nonsubstantive deviations from the federal text. The amendments to Part 310 reduce the number of categories of modifications that are considered "significant", thus reducing the number that are subject to public notice requirements. The following modifications are no longer considered "significant": changes in the legal authority of the publicly-owned treatment works (POTW) to operate its pretreatment program that make that authority more prescriptive, revisions in the legal authority that reflect changes in the federal regulations, changes in local pH limits, and reallocations of local limits that do not increase the ultimate discharge of that pollutant by the POTW.

The amendments also eliminate some aspects of the public notice requirements. A public notice of final program modification approval is no longer required where there were no public comments on the notice of proposed program modifications. A public notice by a POTW will satisfy the notice requirements, and the Illinois Environmental Protection Agency would no longer need to publish separate notice. The public notice period is revised to 45 days. Finally, the type of newspaper required for publication of public notice is amended, so the largest paper in the area is no longer required.

Two amendments do not relate directly to public notice. First, the period of review by the Agency is changed from an indefinite period to 45 days, and the POTW may initiate minor modifications if the Agency does not object within the 45 day period of review. Second, a POTW can change its list of industrial users without prior approval by the approval authority simply by changing the list in its annual report.

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16) Information and questions regarding the adopted amendment shall be directed to:

Amy Muran Felton, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-7011

Request for copies of the June 17, 1998 opinion and order should be addressed to Victoria Agyeaman, at 312-814-3620 or at the above address and should reference Docket R98-23.

The full text of the Adopted Amendments begins on the next page:

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SUBPART D: PRETREATMENT PERMITS

310.351 Modification or Withdrawal of Removal Credits

Section	
310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

POLLUTION CONTROL BOARD
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

Section	
310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source

SUBPART B: PRETREATMENT STANDARDS

Section	
310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Specific Limits Developed by POTW
310.211	Local Limits
310.220	Categorical Standards
310.221	Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution
310.233	Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions
310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Requirement
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuance of Authorization

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SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTW's
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section	
310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors which are Not Fundamentally Different
310.706	More Stringent State Law
301.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section	
310.801	Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset

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310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section	Definition	Bypass Not Violating	Applicable	Pretreatment	Standards or Requirements
310.910					
310.911					
310.912					
310.913					

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	
310.920	General
310.921	Substantial Modifications Defined <u>Procedures</u>
310.922	Approval Procedures for Substantial Modifications
310.923	Approval Procedures for Non-Substantial Modifications
310.924	Incorporation of Modifications into the Permit

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective JUN 23 1998.

SUBPART EB: POTW PRETREATMENT PROGRAMS

Section 310.501 Pretreatment Programs Required

- a) The Agency shall require to-establish-a-pretreatment-program any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) that receives discharges which fulfill either of the following conditions to establish a pretreatment program which:

- 1) The POTW receives discharges Receives from industrial users pollutants that which pass through or interfere with the operation of the POTW; or
- 2) The POTW receives discharges Receives from industrial users discharges that which are otherwise subject to categorical standards in 35 Ill. Adm. Code 307.

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b) The Agency shall require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if the Agency finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances require a pretreatment program in order to prevent interference or pass through.

c) Subsections (a) and (b) of this Section notwithstanding, the Agency may, in its discretion, waive the requirement that any POTW develop a pretreatment program.

- 1) Waivers shall be in writing.
- 2) The Agency may, in its discretion, rescind any waiver by giving written notice to the POTW, giving sufficient time for the POTW to develop the program.

†BOARD NOTE Board-Note: Derived from 40 CFR 403.8(a) (1986).†

(Source: Amended at 22 Ill. Reg. 11465, effective JUN 22 1988)

Section 310.503 Incorporation of Approved Programs in Permits

A POTW may develop an appropriate POTW pretreatment program any time before the time limit set forth in Section 310.502. The approved POTW pretreatment program shall be incorporated into the POTW's NPDES permit. The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in Sections 310.541 through 310.547 shall be deemed a minor permit modification subject to Section 310.442.

†BOARD NOTE Board-Note: Derived from 40 CFR 403.8(c) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997)†3986†

Section 310.510 Pretreatment Program Requirements: Development and Implementation by POTW

A POTW pretreatment program shall be based on the following legal authority and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:
 - 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;

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- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial user, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - A) A statement of duration (in no case more than five years);
 - B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator operation;

C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;

D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and

E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;

4) Require:

- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
- B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310-Subpart F of this Part;

5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to

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be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA; Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement:

A) All POTWs ~~perw's~~ shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTWs ~~perw's~~ shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. ~~perw's---whose---approved---pretreatment---programs---require modification---to---conform---to---the---requirements---of---this subsection---shall---submit---a---request---by---November---16---1989;~~

B) Pretreatment requirements that which will be enforced through the remedies set forth in subsection (a)(6)(A) of this Section will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a monetary penalty that which the Agency finds to be insufficient. ~~The procedures for notice to industrial users where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision; i and~~

7) Comply with the confidentiality requirements set forth in Section 310.105.7

b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:

1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection

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(b)(1) shall be made available to the Agency upon request; Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1) of this Section. This information shall be made available to the Agency upon request;

3) Notify industrial users identified under subsection (b)(1) of this Section of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within 30 days after approval, pursuant to subsection (f) of this Section, of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;

4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D of this Part;

5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

A) A description of discharge practices, including non-routine batch discharges;

B) A description of stored chemicals;

C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307. Subpart B, with procedures for follow-up written notification within five days; and

D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response;

6) Investigate instances of noncompliance with pretreatment

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standards and requirements, as indicated in the reports and notices required under Subpart D of this Part or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5) of this Section. Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A) Chronic violations of wastewater discharge limits, defined here as those in which 56 ~~sixty-six~~ percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B) "Technical review criteria" (TRC) violations, which shall mean those violations in which 33 ~~thirty-three~~ percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) of this Section to halt or prevent such a discharge;
- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports,

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- and reports on compliance with compliance schedules;
- G) Failure to accurately report noncompliance; or
 - H) Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program.⁷
- c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b).⁷
- d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary.⁷
- e) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- 1) Describe how the POTW will investigate instances of noncompliance;
 - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - 3) Identify (by title) the officials responsible for each type of response; and
 - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b).⁷ and
- f) The POTW shall prepare and maintain a list of its industrial users meeting the criteria in the first paragraph subsection of the definition of "significant industrial user" at Section 310.110. The list shall identify the criteria in the first paragraph subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second paragraph subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second paragraph subsection of that definition that such industrial user should not be considered a significant industrial user. The initial ~~this~~ list, ~~and any subsequent modifications--therefor~~ shall be submitted to the Agency pursuant to Sections 310.521 through 310.533 as a non-substantial program modification pursuant to Section 310.923 Subpart-K. Modifications to the list shall be submitted to the Agency pursuant to Section 310.612(a). ~~Discretionary--designations--or--de-designations--by--the control-authority--shall--be--deemed--to--be--approved--by--the--Agency--90--days--after--submission--of--the--list--or--modifications--thereof.~~
- BOARD NOTE: Derived from 40 CFR 403.8(f) (1997 1994), as amended at 62 Fed. Reg. 38414 (July 17, 1997) 60-Fed-Reg-39936--effective--June 29--1995.

(Source: Amended at 22 Ill. Reg. 11405, effective

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Section 310.542 Public Notice and Hearing

Upon receipt of a submission the Agency shall commence its review. Within 20 work days after making a determination that a submission meets the requirements of Section 310.552, and, where removal allowance approval is sought, Sections 310.340 and 310.524, the Agency shall perform the following actions:

- a) Issue a public notice of request for approval of the submission.⁷
 - 1) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include the following actions:
 - A) Mailing notices of the request for approval of the submission to the following entities:
 - i) Federal agencies as designated by USEPA;
 - ii) Regional planning agencies that which participate in development of water quality management plans (unless such agencies have specifically requested not to receive such notices); and
 - iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and
 - B) Publication of a notice of request for approval of the submission in a the-largest-daily newspaper or newspapers of general circulation within the jurisdiction or jurisdictions served by the POTW that would provide meaningful public notice.
 - 2) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission.
 - 3) All written comments submitted during the 30 day comment period shall be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency.⁷ and
- b) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission.
 - 1) This request for public hearing shall be filed within the 30 day (or extended) comment period described in subsection (a)(2) of this Section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.
 - 2) The Agency shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

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- 3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B) of this Section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.
- BOARD NOTE: Derived from 40 CFR 403.11(b) (1997) (1998), as amended at 62 Fed. Reg. 38414 (July 17, 1997) 53-Ped-Reg--406137 October-17-1998.

(Source: Amended at 22 Ill. Reg. 11465, effective JUN 22 1998)

SUBPART F: REPORTING REQUIREMENTS

Section 310.612 Annual POTW Reports

POTWs POTW's with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the following:

- a) An updated list of the POTW's industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirements.
 - b) A summary of the status of industrial user compliance over the reporting period.
 - c) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period. And,
 - d) A summary of changes to the POTW's pretreatment program that have not been previously reported to the Agency Any-other-relevant-information requested-by-the-Agency.
- BOARD NOTE: Derived from 40 CFR 403.12(i) (1997), as amended added at 62 Fed. Reg. 38414 (July 17, 1997) 53-Ped-Reg--406147-October-17-1998.

(Source: Amended at 22 Ill. Reg. 11465, effective JUN 22 1998)

POLLUTION CONTROL BOARD

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original request for approval of the modification under Section 310.542(a)(1)(B).
BOARD NOTE: Derived from 40 CFR 403.18(b) as added at 53 Fed. Reg. 40615, October 17, 1988.

Source: Section repealed and new Section added at 22 Ill. Reg. 11465, effective JUN 22 1993

Section 310.922 Approval Procedures for Substantial Modifications

- a) The POTW shall submit to the Agency a statement of the basis for the desired program modification, a modified program description (see Section 310.522), or such other documents the Agency determines to be necessary under the circumstances.
- b) The Agency shall approve or disapprove the modification based on the requirements of Section 310.510 and using the procedures in Sections 310.542 through 310.546, except as provided in subsections (c) and (d) of this Section. The modification shall become effective upon approval by the Agency.
- c) The Agency need not publish a notice of decision under Section 310.545 provided each of the following conditions is fulfilled:
 - 1) The notice of request for approval under Section 310.542(a) states that the request will be approved if no comments are received by a date specified in the notice;
 - 2) No substantive comments are received; and
 - 3) The request is approved without change.
- d) Notices required by Sections 310.542 through 310.546 may be performed by the POTW, provided that the Agency finds that the POTW notice otherwise satisfies the requirements of Sections 310.542 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(c) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997).

- a) The following are substantial modifications for purposes of this Section:
 - 1) Changes to the POTW's legal authorities;
 - 2) Changes to local limits, which result in less stringent local limits;
 - 3) Changes to the POTW's control mechanism, as described in Section 310.510(a)(3);
 - 4) Changes to the POTW's method for implementing categorical pretreatment standards (e.g., incorporation by reference, separate promulgation, etc.);
 - 5) A decrease in the frequency of self-monitoring or reporting required of industrial users;
 - 6) A decrease in the frequency of industrial user inspections or sampling by the POTW;
 - 7) Changes to the POTW's confidentiality procedures;
 - 8) Significant reductions in the POTW's pretreatment program

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SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section 310.921 Substantial Modifications Defined Procedures

Substantial modifications include the following types of modifications:

- a) Modifications that relax POTW legal authorities (as described in Section 310.510(a)), except for modifications that directly reflect a revision to this Part or to 35 Ill. Adm. Code: Subtitle C, and are reported pursuant to Section 310.923;
- b) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the maximum allowable industrial loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to Section 310.923. For the purposes of this Section, "maximum allowable industrial loading" means the total mass of a pollutant that all industrial users of a POTW (or a subgroup of industrial users identified by the POTW) may discharge pursuant to limits developed under Section 310.210;
- c) Changes to the POTW's control mechanism, as the control mechanism is described in Section 310.510(a)(3);
- d) A decrease in the frequency of self-monitoring or reporting required of industrial users;
- e) A decrease in the frequency of industrial user inspections or sampling by the POTW;
- f) Changes to the POTW's confidentiality procedures; and
- g) Other modifications designated as substantial modifications by the Agency on any of the following bases:
 - 1) The modification could have a significant impact on the operation of the POTW's pretreatment program;
 - 2) The modification could result in an increase in pollutant loadings at the POTW; or
 - 3) The modification could result in less stringent requirements being imposed on industrial users of the POTW.

BOARD NOTE: Derived from 40 CFR 403.18(b) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997).

POTW pretreatment program modifications must be accomplished as follows for substantial modifications as defined in Section 310.922:

- a) The POTW shall submit to the Agency a statement of the basis for the desired modification, a modified program description (See Section 310.510) or such other documents the Agency determines to be necessary under the circumstances;
- b) The Agency shall approve or disapprove the modification based on the requirements of Section 310.510, following the procedures in Section 310.542;
- c) The modification must be incorporated into the POTW's NPDES permit after approval pursuant to 35 Ill. Adm. Code 309.500 Part A;
- d) The modification becomes effective upon approval by the Agency. Notice of approval must be published in the same newspaper of the

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- resources (including personnel commitments, equipment and funding levels). And
- 9) Changes in the POTW's sludge disposal and management practices. The Agency may designate other specific modifications, in addition to those listed in subsection (a), as substantial modifications.
- c) A modification that is not included in subsection (a) is a substantial modification for the purposes of Sections 310.920 through 310.922, if the modification:
- 1) Would have a significant impact on the operation of the POTW's pretreatment program;
 - 2) Would result in an increase in pollution loadings at the POTW; or
 - 3) Would result in less stringent requirements being imposed on industrial users of the POTW.
- BOARD NOTE: Derived from 40 CFR 403.18(c), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Section repealed and new Section added at 22 Ill. Reg. 11465, effective JUN 22 1998)

Section 310.923 Approval Procedures for Non-Substantial Modifications

- a) The POTW shall notify the Agency of any non-substantial modification at least 45 days prior to its implementation by the POTW, in a statement similar to that provided for in Section 310.922(a).
- b) Within 45 days after the submission of the POTW's statement, the Agency shall notify the POTW of its decision to approve or disapprove the non-substantial modification.
- c) If the Agency does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under Section 310.921(g), the POTW may implement the modification.

BOARD NOTE: Derived from 40 CFR 403.18(d) (1997), as added at 62 Fed. Reg. 38414 (July 17, 1997).

(Source: Added at 22 Ill. Reg. 11465, effective JUN 22 1998)

Section 310.924 Incorporation of Modifications into the Permit

All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit shall be modified to incorporate the approved modification in accordance with this Part and 35 Ill. Adm. Code 310.

BOARD NOTE: Derived from 40 CFR 403.18(e) (1997), as added at 62 Fed. Reg. 38414 (July 17, 1997).

(Source: Added at 22 Ill. Reg. 11465, effective JUN 22 1998)

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- 1) Heading of the Part: Procedural Requirements for Permitted Landfills
- 2) Code Citation: 35 Ill. Adm. Code 813
- 3) Section Number: Adopted Action:
 813.103 Amended
 813.501 Amended
 813.502 Amended
 813.503 Amended
 813.504 New
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendments: June 23, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: June 17, 1998
- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 4247, February 27, 1998
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: In Section 813.504, amended the language by deleting "first" and "of the month chosen and".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): A more complete description of this rule may be found in the Board's opinion and order of June 17, 1998, in R98-9. These amendments were proposed to the Board on August 11, 1997 by the Illinois Environmental Protection Agency (IEPA) and the National Solid Waste Management Association. In general, there are four reasons for the amendments: (1) to ease certain requirements that drive up costs without a commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to remain consistent with the federal Resource Conservation and Recovery Act

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Subtitle D program.

More specifically, the changes to Part 813 include adding a new section regarding annual reports and requiring an annual certification to be filed with the IEPA. The amendments also allow IEPA to request groundwater monitoring results in graphical form. The amendments also provide that any permit modification filed without a waiver of the IEPA's statutory decision deadline and filed within 30 days of the statutory decision deadline is a new application which restarts the decision deadline.

16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted amendments begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section	
813.101	Scope and Applicability
813.102	Delivery of Permit Application
813.103	Agency Decision Deadlines
813.104	Standards for Issuance of a Permit
813.105	Standards for Denial of a Permit
813.106	Permit Appeals
813.107	Permit No Defense
813.108	Term of Permit
813.109	Transfer of Permits
813.110	Adjusted Standards to Engage in Experimental Practices
813.111	Agency Review of Contaminant Transport Models

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section	
813.201	Initiation of a Modification or Significant Modification
813.202	Information Required for a Significant Modification of an Approved Permit
813.203	Specific Information Required for a Significant Modification to Obtain Operating Authorization
813.204	Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section	
813.301	Time of Filing
813.302	Effect of Timely Filing
813.303	Information Required for a Permit Renewal
813.304	Updated Groundwater Impact Assessment
813.305	Procedures for Permit Renewal

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section	
813.401	Agency Notification Requirements

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- 813.402 Certification of Closure
813.403 Termination of the Permit

SUBPART E: CERTIFICATION AND REPORTS TO-BE-FILED-WITH-THE-AGENCY

- Section
813.501 Annual Certification Reports
813.502 Quarterly Groundwater Reports and Graphical Results of Monitoring Efforts
813.503 Information to be Retained at or near the Waste Disposal Facility
813.504 Annual Report

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. 7501, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12388, effective August 1, 1994; amended in R98-9 at 22 Ill. Reg. 11403, effective JUN 23 1998.

SUBPART A: GENERAL PROCEDURES

Section 813.103 Agency Decision Deadlines

- a) If there is no final action by the agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when:
- 1) Notice and opportunity for public hearing are required by state or federal law or regulation, or
 - 2) The application which was filed is for any permit to develop a landfill. (Section 39 of the Act)
- b) An application for permit pursuant to this Subpart shall not be deemed to be filed until the Agency has received all information and documentation in the form and with the content required by this part and 35 Ill. Adm. Code 811, 812, and 814. However, if, pursuant to the standards of Section 813.105, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 813.102. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 813.106.
- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a).

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- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date, provided that, for any permit application modification received by the Agency within 30 days before the Agency decision deadline, the applicant waives the Agency decision deadline for 30 days from the date of receipt of the modification, to allow the Agency time to determine whether the modification meets the definition of significant modification and, for permit applications modifications not meeting the definition of significant modification, to take final action. Any modification of a permit application that would otherwise be considered a significant modification of an approved permit shall constitute a new application for the purposes of calculating the Agency decision deadline date. The Agency shall notify the applicant in writing within 30 days after the filing of a proposed permit modification if it deems the modification to be a significant modification. A determination by the Agency as to whether a modification is a significant modification is a final determination, appealable in the manner provided for the review of permit decisions under Section 40 of the Act. The Agency's decision deadline date shall be stayed as of the date of such written notice of the Agency's determination during the pendency of any timely-filed appeal challenging such an Agency determination.
- e) The Agency shall mail all notices of final action by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

(Source: Amended at 22 Ill. Reg. 11483, effective JUN 23 1998)

SUBPART E: CERTIFICATION AND REPORTS TO-BE-FILED-WITH-THE-AGENCY

Section 813.501 Annual Certification Reports

- a) All permitted landfills shall submit an annual certification annual-reports to the Agency during operation and for the entire postclosure monitoring period. Such certification shall be signed by the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102, annual-reports shall be filed fitted each year by the first day of the month chosen and specified by the Agency in the facility permit, and shall state as follows:-
- a) All records required to be submitted to the Agency pursuant to 35 Ill. Adm. Code 858.207 and 858.308 have been timely and accurately submitted; and
 - b) Agency-Review-of-the-Report
 - 1) The-Agency-shall-conduct-a-review-of-the-annual-report-to-determine-compliance-with-the-requirements-of-subsection-(a)-and either-accept-the-contents-as-complete-or-request-additional information-within-45-days-of-receipt-of-the-report.
 - 2) If-the-Agency-fails-to-respond-within-the-required-time-period

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- then the report shall be considered acceptable.
- 3) The operator shall return the additional information to the Agency within 45 days of receipt of the request for additional information.
- 4) The operator may deem any Agency request for information pursuant to this Section as a permit denial for purposes of appeal pursuant to Section 40 of the Act.
- b) All applicable fees required by the Act have been paid in full.
- c)

- 1) All annual reports shall contain the following information:
- A) Waste volume summary which includes:

- A) Total volume of solid waste accepted at the facility in cubic meter (cubic yards) as measured at the gate;
- B) Remaining solid waste capacity in each unit in cubic meter (cubic yards) as measured at the gate; and
- C) A copy of all identification reports required under 35 Ill. Adm. Code 811.404.

- 2) Monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit including:

- A) Graphical results of monitoring efforts;
- B) Statistical summaries and analysis of trends;
- C) Changes to the monitoring program; and
- B) Discussion of error analysis, detection limits, and observed trends.

- 3) Proposed activities for the year

- A) Amount of waste expected in the next year;
- B) Structures to be built within the next year; and
- C) New monitoring stations to be installed within the next year.

- 4) Any modification or significant modification affecting the operation of a facility shall be included.

- 5) Signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

(Source: Amended at 22 Ill. Reg. 11483, effective JUN 23 1993)

Section 813.502 Quarterly Groundwater Reports and Graphical Results of Monitoring Efforts

- a) All groundwater monitoring data shall be submitted to the Agency at the same frequency as established for groundwater detection monitoring pursuant to Section 811.319(a) on a quarterly basis, in a form prescribed by the Agency, and in accordance with a schedule approved in the permit.

- b) Upon written Agency request, monitoring data depicted in a graphical form prescribed by the Agency shall be submitted to the Agency. Such

POLLUTION CONTROL BOARD

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data shall be submitted within 45 days after the date of the Agency's written request.

(Source: Amended at 22 Ill. Reg. 11483, effective JUN 23 1993)

Section 813.503 Information to be Retained at or near the Waste Disposal Facility

Information developed by the operator, including annual reports, but not yet forwarded to the Agency in a quarterly or annual report shall be kept at or near the facility for inspection by the Agency upon request during normal working hours. If there is no active office for maintenance of records at the facility during the postclosure care period, then an alternate active operation site in the state, owned or operated by the same facility operator, may be specified. The Agency must be notified of the address and telephone number of the operator at the alternative facility where the information will be retained. This information must be retained through the postclosure care period.

(Source: Amended at 22 Ill. Reg. 11483, effective JUN 23 1993)

Section 813.504 Annual Report

An annual report shall be submitted to the Agency each calendar year, by the date specified by the Agency in the facility permit, containing the following materials:

- a) Information relating to monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit, including:

- 1) Summary of monitoring data for the calendar year;
- 2) Dates of submittal of comprehensive monitoring data to the Agency during the calendar year;
- 3) Statistical summaries and analysis of trends;
- 4) Changes to the monitoring program; and
- 5) Discussion of error analysis, detection limits, and observed trends.

- b) Proposed activities for the year:

- 1) Amount of waste expected in the next year;
- 2) Structures to be built within the next year; and
- 3) New monitoring stations to be installed within the next year.
- c) Any modification or significant modification affecting the operation of a facility.

- d) The signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

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(Source: Added at 22 Ill. Reg. 114.33, effective
JUN 23 1998)

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- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3) Section Number:
811.309 Amended
811.310 Amended
811.312 Amended
811.319 Amended
811.321 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendments: June 23, 1998
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 17, 1998
- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 4255, February 27, 1998
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version:

In the Table of Contents, amended the title of Appendix B to read:

Section-by-Section correlation Correlation between the Standards of the RCRA Subtitle D Requirements of the Federal MSWLF Regulations at 40 CFR--250 and the Board's nonhazardous waste landfill regulations Requirements of Parts 810-through-814.

In Section 811.310(c)(5), struck the existing language using strike-through.

In Section 811.310(c)(6), added "5" and struck-through "6".

In Section 811.310(c)(7), added "6" and struck-through "7"

In Section 811.310(c)(7)(i), added "A" and struck through "i".

In Section 811.310(c)(7)(ii), added "B" and struck through "ii".

In Section 811.310(c)(7)(iii), added "C" and struck through "iii".

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In Section 811.310(c)(7)(iv), added "D" and struck through "iv".

In Section 811.310(d), inserted the following and show it as struck-through:

~~Py--Any-compound-on-the-list-of-air-toxics;--adopted--by--the--Board pursuant-to-Section-9-5-of-the-Act,--which-is-expected-to-be-produced in-the-latest-future-unit.~~

In Section 811.310(e), inserted subsection (e) to coincide with text on file.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

A more complete description of this rule may be found in the Board's opinion and order of June 17, 1998 in R98-9. These amendments were proposed to the Board on August 11, 1997 by the Illinois Environmental Protection Agency and the National Solid Waste Management Association. In general, there are four reasons for the amendments: (1) to ease certain requirements that drive up costs without a commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to remain consistent with the federal Resource Conservation and Recovery Act Subtitle D program.

More specifically, the changes to Part 811 include clarifying that a five day leachate storage capacity can be achieved either on-site or by maintaining an alternative means of leachate management. Also, the amendments will allow quarterly groundwater sampling to be changed to semi-annual after eight quarters of data have been obtained, unless the Illinois Environmental Protection Agency determines additional monitoring is necessary. With regard to groundwater, the amendments require that assessment monitoring shall include monitoring constituents that might indicate the source of contamination. The amendments eliminate specific requirements for monitoring nitrogen and eliminate duplicative permit requirements for off-site gas processing facilities. Finally, the amendments allow for alternative protective layers suitable for protecting the earthen liner against freezing to be placed over the entire drainage blanket.

16) Information and questions regarding this adopted rule shall be directed to:

POLLUTION CONTROL BOARD

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Marie E. Tipson
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the Adopted Amendments begins on the following page:

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811.312 Landfill Gas Processing and Disposal System
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeological Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program
811.324 Corrective Action Measures for MSWLF Units
811.325 Selection of Remedy for MSWLF Units
811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section
811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section
811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section
811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Postclosure Care Cost Estimates
811.705 Revision of Cost Estimate

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS
SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
811.111 Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

Section
811.201 Scope and Applicability
811.202 Determination of Contaminated Leachate
811.203 Design Period
811.204 Final Cover
811.205 Final Slope and Stabilization
811.206 Leachate Sampling
811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section
811.301 Scope and Applicability
811.302 Facility Location
811.303 Design Period
811.304 Foundation and Mass Stability Analysis
811.305 Foundation Construction
811.306 Liner Systems
811.307 Leachate Drainage System
811.308 Leachate Collection System
811.309 Leachate Treatment and Disposal System
811.310 Landfill Gas Monitoring
811.311 Landfill Gas Management System

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811.706 Mechanisms for Financial Assurance
 811.707 Use of Multiple Financial Mechanisms
 811.708 Use of a Financial Mechanism for Multiple Sites
 811.709 Trust Fund for Unrelated Sites
 811.710 Trust Fund
 811.711 Surety Bond Guaranteeing Payment
 811.712 Surety Bond Guaranteeing Performance
 811.713 Letter of Credit
 811.714 Closure Insurance
 811.715 Self-Insurance for Non-commercial Sites
 811.716 Local Government Financial Test
 811.717 Local Government Guarantee
 811.718 Discounting

APPENDIX A Financial Assurance Forms

ILLUSTRATION A Trust Agreement
 ILLUSTRATION B Certificate of Acknowledgment
 ILLUSTRATION C Forfeiture Bond
 ILLUSTRATION D Performance Bond
 ILLUSTRATION E Irrevocable Standby Letter of Credit
 ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care

ILLUSTRATION G Operator's Bond Without Surety
 ILLUSTRATION H Operator's Bond With Parent Surety
 ILLUSTRATION I Letter from Chief Financial Officer

APPENDIX B Section-by-Section correlation between Correlation-Between the Standards of the RCRA Subtitle D Requirements--of--the--Federal MSWLF Regulations Regulations at--40-CFR-250 and the Board's nonhazardous waste landfill regulations Requirements--of--Parts 810-through-814

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1996; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

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SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.309 Leachate Treatment and Disposal Systems

- a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage, treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.
- b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.
- c) Standards for Onsite Treatment and Pretreatment
 - 1) All onsite treatment or pretreatment systems shall be considered part of the facility.
 - 2) The onsite treatment or pretreatment system shall be designed in accordance with the expected characteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.
 - 3) The onsite treatment or pretreatment system shall be designed to function for the entire design period.
 - 4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.
 - 5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.
 - 6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

d) Standards for Leachate Storage Systems

- 1) Except as otherwise provided in subsection (d)(6) of this Section, the leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate--during--extreme-precipitation-conditions, is available at any time during the design period of the facility.
- 2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10-7 centimeters per second.
- 3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.
- 4) The leachate storage system shall not cause or contribute to a

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- A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.
- B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.
- C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to control odors and prevent migration of methane in accordance with Section 811.311.
- D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.
- 2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.
- 3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.
- 4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.
- 5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.
- 6) Daily and intermediate cover shall be permeable to the extent necessary to prevent the accumulation of water and formation of perched water tables and gas buildup; alternatively cover shall be removed prior to additional waste placement.
- 7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.

- g) Leachate Monitoring
 - 1) Representative samples of leachate shall be collected from each established leachate monitoring location unit and tested in accordance with subsections (g)(2)(G) and (g)(3)(D) at a frequency of once per quarter until such time as samples have been obtained and tested for at least eight quarters. If for any reason insufficient leachate is obtained to yield a sample for testing during a given quarterly monitoring attempt, such attempt shall not count toward the eight quarters' leachate monitoring requirement. Thereafter, the white--the--leachate--management system--is--in-operation--The frequency of testing shall may be changed to semi-annual once-per-year for any monitored constituent while the leachate management system is in operation. However, the Agency may, by permit condition, require additional leachate sampling and testing as necessary to ensure compliance with this Section and Sections 811.312, 811.317, and 811.319--if it--is--not--detected--in--the--leachate--However--if--such--a constituent--is--detected--in--the--leachate--testing--frequency--shall return-to-a-quarterly-schedule.

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- malodor.
- 5) The leachate drainage and collection system shall not be used for the purpose of storing leachate.
- 6) A facility may have less than five days' worth of storage capacity for accumulated leachate as required by subsection (d)(1) of this Section, if the owner or operator of the facility demonstrates that multiple treatment, storage and disposal options in the facility's approved leachate management system developed in accordance with subsection (b) of this Section will achieve equivalent performance. Such options shall consist of not less than one day's worth of storage capacity for accumulated leachate plus at least two alternative means of managing accumulated leachate through treatment or disposal, or both treatment and disposal, each of which means is capable of treating or disposing of all leachate generated at the maximum generation rate on a daily basis.
- e) Standards for Discharge to an Offsite Treatment Works
 - 1) Leachate may be discharged to an offsite treatment works that meets the following requirements:
 - A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.
 - B) The treatment systems shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
 - C) No more than 50 percent of the average daily influent flow can be attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.
 - 2) The operator is responsible for securing permission from the offsite treatment works for authority to discharge to the treatment works.
 - 3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.
 - 4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.
 - 5) Leachate shall be allowed to flow into the sewage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).
 - 6) Where leachate is not directly discharged into a sewerage system, the operator shall provide storage capacity sufficient to transfer all leachate to an offsite treatment works. The storage system shall meet the requirements of subsection (d).
- f) Standards for Leachate Recycling Systems
 - 1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:

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- 2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to treatment or pretreatment:

- A) Five day biochemical oxygen demand (BOD5);
- B) Chemical oxygen demand;
- C) Total Suspended Solids;
- D) Total Iron;
- E) pH;
- F) Any other constituents listed in the operator's National Pollution Discharge Elimination System (NPDES) discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

- G) All of the indicator constituents chosen in accordance with Section 35--~~III--Adm--Code~~ 811.319(a)(2)(B) and used by the operator for groundwater monitoring.

- 3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:

- A) pH;
- B) Total Dissolved Solids;
- C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

- D) All of the indicator constituents chosen in accordance with Section 35--~~III--Adm--Code~~ 811.319(a)(2)(B) and used by the operator for groundwater monitoring.

h) Time of Operation of the Leachate Management System

- 1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.
- 2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD[5] concentration greater than 30 mg/L for six consecutive months.
- 3) Leachate collection at a MSWLF unit shall be continued for a minimum period of 30 years after closure, except as otherwise provided by subsections (h)(4) and (h)(5), below.
- 4) The Agency may reduce the leachate collection period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- 5) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

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- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);
- iii) Gas monitoring (Section 811.130); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Subsection (h) is derived from 40 CFR 258.61 (1992).

(Source: ~~Amended~~ **Amended** June 23, 1998 22 Ill. Reg. 11431, effective 11431.)

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.

b) Location and Design of Monitoring Wells

- 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
- 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
- 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
- 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
- 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.
- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
- 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
- 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to

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- which ever is closer to the unit.
- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at points where methane might enter the building.
 - e) Any alternative frequencies for the monitoring requirement of subsection (c) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative monitoring frequencies established under this subsection (e) will:
 - 1) Consider the unique characteristics of small communities;
 - 2) Take into account climatic and hydrogeologic conditions; and
 - 3) Be protective of human health and the environment.
- BOARD NOTE: Subsection (d) is derived from 40 CFR 258.23(e), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 22 Ill. Reg. 1149, effective JUN 23 1998)

Section 811.312 Landfill Gas Processing and Disposal Systems

- a) The processing of landfill gas for use is strongly encouraged but is not required.
- b) Except as allowed in subsection (g), the landfill gas processing and disposal system, including compressors, blowers, raw gas monitoring systems, devices used to control the flow of gas from the unit, flares, gas treatment devices, air pollution control devices and monitoring equipment must remain under the control of the operator and shall be considered part of the waste disposal facility.
- c) No gas may be discharged directly to the atmosphere unless treated or burned onsite prior to discharge in accordance with a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245.
- d) Representative flow rate measurements shall be made of gas flow into treatment or combustion devices.
- e) When used for the onsite combustion of landfill gas, flares shall meet the general control device requirements of new source performance standards adopted pursuant to Section 9.1(b) of the Act.
- f) Standards for Onsite Combustion of Landfill Gas Using Devices Other Than Flares
 - 1) At a minimum, landfill gas shall be measure for flow rate, heat value, and moisture content along with combustion parameters including, but not limited to, oxygen and carbon dioxide prior to treatment or combustion. Constituents of the landfill gas and combustion byproducts shall be identified for inclusion in an Agency issued permit based on the type of waste streams that are or will be in the landfill, landfill gas analysis and potential for being emitted into the air after treatment or combustion.
 - 2) All constituents and parameters that must be measured before and

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- withdraw gas.
- 4) Monitoring shall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6); five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).
 - 5) The operator shall include in the permit a list of air toxics to be monitored in accordance with subsection (d). The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.
 - 5.6) The Agency may reduce the gas monitoring period at an MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
 - 6.7) The owner or operator of an MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
 - A) Inspection and maintenance (Section 811.111);
 - B) Leachate collection (Section 811.309);
 - C) Gas monitoring (Section 811.310); and
 - D) Groundwater monitoring (Section 811.319).
- BOARD NOTE: Changes to subsection (c) are derived from 40 CFR 258.61 (1996).

- d) Parameters to be Monitored
 - 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:
 - A) Methane;
 - B) Pressure;
 - C) Nitrogen;
 - C) Oxygen; and
 - D) Carbon dioxide, and
 - 7) Any compound on the list of air toxics adopted by the Board pursuant to Section 9-5 of the Act which is expected to be produced in the landfill unit.
- 2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary,

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after treatment or combustion shall be identified and included in a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245. At a minimum, the following types of constituents must be considered for inclusion in the permit:

- A) The six criteria air pollutants and the hazardous air pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.);
- B) Any list of toxic air contaminants, including carcinogens, mutagens and listed hazardous air pollutants adopted by the Board pursuant to Section 9.5 of the Act;
- C) Volatile Organic Compounds;
- D) Constituents present in the landfill gas; and
- E) Combustion byproducts expected to be emitted from the combustion or treatment device.

- g) Landfill gas may be transported offsite to a gas processing facility in accordance with the following requirements:

- 1) The solid waste disposal facility contributes less than 50 percent of the total volume of gas accepted by the gas processing facility or the gas processing facility is permitted to receive and process landfill gas under the Act and Board regulation. Otherwise, the processing facility must be considered a part of the solid waste management facility. In any event, no solid waste disposal facility shall transport landfill gas offsite under this Section unless it satisfies the financial assurance requirements of Section 811.704(h)(3).
- 2) The landfill gas shall be monitored for the parameters listed in subsection (f)(4)(1) as well as other constituents such as ammonia (NH₃), hydrogen sulfide (H₂S) and hydrogen (H₂) that are needed to operate the gas processing facility.
- 3) The gas processing facility shall be sized to handle the expected volume of gas.
- 4) The transportation of gas to an offsite gas processing facility shall in no way relieve the operator of the requirements of Section 811.311(a).

(Source: ~~JUNE 1988~~ 22 Ill. Reg. 1140, effective

Section 811.319 Groundwater Monitoring Programs

- a) Detection Monitoring Program

Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 95-113-Adm-Code 811.318(c). The operator shall implement a detection monitoring program in accordance with the following requirements:

- 1) Monitoring Schedule and Frequency
 - A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the

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effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of fifteen years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C) of this Section. The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point shall be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency shall allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute or may constitute more frequent sampling throughout the time the source constitutes a threat to groundwater. For the purposes of this Section, the source shall be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is are above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to 35 Ill. Adm. Code 814, Subpart D, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

- 1) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or

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- par---745i--et--seq- [415 ILCS 55/1-et--seq-], or the constituent may otherwise cause or contribute to groundwater contamination.
- B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.
- 3) Organic Chemicals Monitoring
The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within the three months of its establishment. The monitoring required by this subsection shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:
- A) The analysis shall be at least as comprehensive and sensitive as the tests for:
- i) The 51 organic chemicals in drinking water described at 40 CFR 141.40 (1988), incorporated by reference at 35 Ill. Adm. Code 810.104; and
 - ii) Any other organic chemical for which a groundwater quality standard or criterion has been adopted pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act.
- B) At least once every two years, the operator shall monitor each well in accordance with subsection (a)(1)(A).
- C) The operator of a MSWLF unit shall monitor each well in accordance with subsection (a)(1)(A) on an annual basis.
- BOARD NOTE: Subsection (a)(3)(C) is derived from 40 CFR 258.54(b) (1992).
- 4) Confirmation of Monitored Increase
- A) The confirmation procedures of this subsection shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within ten days, of observed increases:
- i) The concentration of any constituent monitored in accordance with subsection (a)(1) and (a)(2) shows a progressive increase over four consecutive monitoring events quarters;
 - ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of

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- ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.
- C) Monitoring shall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E), below; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:
- i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or
 - ii) Immediately after contaminated leachate is no longer generated by the unit.
- D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- E) An owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
- i) Inspection and maintenance (Section 811.111);
 - ii) Leachate collection (Section 811.309);
 - iii) Gas monitoring (Section 811.310); and
 - iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A) and (a)(1)(C), and subsections (a)(1)(D) and (a)(1)(E) are derived from 40 CFR 258.61 (1992).

- 2) Criteria for Choosing Constituents to be Monitored
- A) The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the following requirements:
- i) The constituent appears in, or is expected to be in, the leachate; and
 - ii) The Board has established for the constituent a public or food processing water supply standard, at 35 Ill. Adm. Code 302, the Board has established a groundwater quality standard under the Illinois Groundwater Protection Act (1991), or is expected to be in, the leachate; and

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- attenuation;
- iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and
- iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.

B) The confirmation procedures shall include the following:

- i) The operator shall verify any observed increase by taking additional samples within 45 days of the initial observation and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase before the end of the next business day following the confirmation.

ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.

iii) The operator shall notify the Agency in writing of any confirmed increase and state the source of the confirmed increase and provide the rationale used in such a determination within ten days of the determination.

b) Assessment Monitoring

The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:

- 1) The assessment monitoring shall be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit shall comply with the additional requirements prescribed in subsection (b)(5). The assessment monitoring shall consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to--~~but not be limited to--~~the following steps:

- A) More frequent sampling of the wells in which the observation occurred;

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- B) More frequent sampling of any surrounding wells; and
- C) The placement of additional monitoring wells to determine the source and extent of the contamination.
- B) ~~Monitoring of additional constituents--that might--indicate the source and extent of contamination--and~~
- B) ~~Any other--investigative--techniques--that will--assist in determining the nature and extent of the contamination--~~

2) The operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B. The assessment monitoring program shall be implemented within 90 days of confirmation of any monitored increase in accordance with subsection (a)(4) or, in the case of permitted facilities, within 90 days of Agency approval.

3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall implement the remedial action in accordance with subsection (d).

4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c).

5) In addition to the requirements of subsection (b)(1), to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:

- A) The monitoring of additional constituents pursuant to (b)(1)(A) shall include, at a minimum (except as otherwise provided in subsection (b)(5)(E) of this Section), the constituents listed in 40 CFR 258.Appendix II, incorporated by reference at 35 Ill. Adm. Code 810.104.

BOARD NOTE: Subsection (b)(5)(A) is derived from 40 CFR 258.55(b) (1992).

- B) Within 14 days of obtaining the results of sampling required under subsection (b)(5)(A), the owner or operator shall:
- i) Place a notice in the operating record identifying the constituents that have been detected; and
- ii) Notify the Agency that such a notice has been placed in the operating record.

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BOARD NOTE: Subsection (b)(5)(B) is derived from 40 CFR 258.55(d)(1) (1992).

- C) The owner or operator shall establish background concentrations for any constituents detected pursuant to subsection (b)(5)(A) in accordance with Section 811.320(e).

BOARD NOTE: Subsection (b)(5)(C) is derived from 40 CFR 258.55(d)(3) (1992).

- D) Within 90 days of the initial monitoring in accordance with subsection (b)(5)(A), the owner or operator shall monitor for the constituents listed in 40 CFR 258.Appendix II on a semiannual basis during the assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) is derived from 40 CFR 258.55(d)(2) (1992).

- E) The owner or operator may request the Agency to delete any of the 40 CFR 258.Appendix II constituents by demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the leachate.

BOARD NOTE: Subsection (b)(5)(E) is derived from 40 CFR 258.55(b) (1992).

- F) Within 14 days of finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3), the owner or operator shall:

- i) Place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) that have exceeded the groundwater quality standard;
- ii) Notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and
- iii) Notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) is derived from 40 CFR 258.55(g)(1)(i) through (iii) (1992).

- G) If the concentrations of all 40 CFR 258.Appendix II constituents are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator shall notify the Agency of this finding and may stop monitoring the 40 CFR 258.Appendix II constituents.

BOARD NOTE: Subsection (b)(5)(G) is derived from 40 CFR 258.55(e) (1992).

- c) Assessment of Potential Groundwater Impact
An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within

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the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following shall apply:

- 1) The operator shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

- 2) The operator shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days of the start of the assessment monitoring program.

- d) Remedial Action. The owner or operator of a MSWLF unit shall conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, shall conduct remedial action in accordance with this subsection.

- 1) The operator shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring shall be submitted within 90 days of determination of either of the following:

- A) the groundwater impact assessment, performed in accordance with subsection (c), indicates that remedial action is needed; or

- B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

- 2) If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit;

- 3) The operator shall implement the plan for remedial action program within 90 days of the following:

- A) Completion of the groundwater impact that requires remedial action;

- B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or

- C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

- 4) The remedial action program shall consist of one or a combination of one or more of the following solutions:

- A) Retrofit additional groundwater protective measures within the unit;
- B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system
- C) Pump and treat the contaminated groundwater; or
- D) Any other equivalent technique which will prevent further

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contamination of groundwater.

- 5) Termination of the Remedial Action Program
 - A) The remedial action program shall continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.
 - B) The operator shall submit to the Agency all information collected under subsection (d)(5)(A). If the facility is permitted then the operator shall submit this information as a significant modification of the permit.

(Source: Amended at 22 Ill. Reg. 1143, effective JUN 23 1993)

Section 811.321 Waste Placement

a) Phasing of Operations

- 1) Waste disposal operations shall move from the lowest portions of the unit to the highest portions. Except as provided in subsection (a)(2), the placement of waste shall begin in the lowest part of the active face of the unit, located in the part of the facility most downgradient, with respect to groundwater flow.
- 2) The operator may dispose of wastes in areas other than those specified in subsection (a)(1) only under any of the following conditions:
 - A) Climatic conditions, such as wind and precipitation, are such that the placement of waste in the bottom of the unit would cause water pollution, litter or damage to any part of the liner;
 - B) The topography of the land surrounding the unit makes the procedure of subsection (a)(1) environmentally unsound, for example, because steep slopes surround the unit; or
 - C) When groundwater monitoring wells, constructed in accordance with the requirements of Section 811.319, are placed 50 feet, or less, downgradient from the filled portions of the unit.

b) Initial Waste Placement

- 1) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate collection piping system until a minimum of five feet of waste has been mounded over the system.
- 2) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate drainage

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blanket. Waste disposal operations shall begin at the edge of the drainage layer by carefully pushing waste out over the drainage layer.

- 3) An initial layer of waste, a minimum of five feet thick, or, alternatively, a temporary protective layer of other material suitable to prevent the compacted earth liner from freezing, shall be placed over the entire drainage blanket immediately after construction, but prior to the onset of weather conditions that may cause the compacted earth liner to freeze, except as provided in subsection (b)(4) of this Section.
- 4) Waste shall not be placed over areas that are subject to freezing conditions until the liner has been certified or recertified by the COA officer designated pursuant to Section 811.502 inspected, tested and reconstructed (if necessary) to meet the requirements of Section 811.306.

(Source: Amended at 22 Ill. Reg. 1143, effective JUN 23 1993)

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additional Department expenditures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:DEPARTMENT OF PUBLIC AID
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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
148.295 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 22, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 22, 1998
- 9) Notice of Proposal Published in Illinois Register: April 3, 1998 (22 Ill. Reg. 6061)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In subsections (a)(1)(B)(i) and (ii), "subsection" has been added preceding "(a)(1)(A)". No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

148.82 Amendment May 15, 1998 (22 Ill. Reg. 8356)

15) Summary and Purpose of Amendments: These amendments to the Department's administrative rules concerning hospital reimbursement are intended to ensure the maintenance of critical hospital access for Medicaid clients regarding hospitals that receive payments under the Critical Hospital Adjustment Payments (CHAP) program. These changes are necessary because of the occasional uncertainty involved in the calculations of CHAP payment amounts which are based on many variables. These amendments provide a mechanism whereby payment adjustments can be made according to the Director's discretion. The amendments are not expected to result in

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148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payment (CHAP)
148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297 Pediatric Outpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

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Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10752, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective JUN 22 1998.

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).

A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$19,700 per Medicaid trauma admission in the CHAP base period.
- ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$12,500 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,900 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,900 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
 - A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.
- b) Rehabilitation Hospital Adjustment (RHA)
 - 1) Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
 - 1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800 per Medicaid Level I rehabilitation admission in the CHAP base period.
 - 2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

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- A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000 in the CHAP rate period.
- B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$575,000 in the CHAP rate period.
- 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) Direct Hospital Adjustment (DHA) Criteria
 - 1) To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.
 - i) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:
 - A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.
 - B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
 - 2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:
 - A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:
 - i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.
 - ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

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- iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.
- iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.
- v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.
- vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.
- vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

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above shall receive a DHA of \$30 multiplied by the DHA Medicaid days in the CHAP base period.

- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20 multiplied by the DHA Medicaid days in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10 multiplied by the DHA Medicaid days in the CHAP base period.
- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.

e) Rural Critical Hospital Adjustment Payments (RCHAP)
Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996. The Department shall make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:

- 1) the product of \$1,490 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$150 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), (d) and (e) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.

g) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

h) In order to maintain critical hospital access, certain hospitals, as determined by the Director, may receive a CHAP payment for the CHAP

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viii) shall receive a critical weighting factor of five.
Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

C) Is a hospital with 3,400 or more total Medicaid admissions in the CHAP base period.

3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,400.

4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment
Calculation of the DHA is as follows:

1) Hospitals qualifying under subsection (c)(1)(A) above shall receive a DHA of \$60 multiplied by the DHA Medicaid days in the CHAP base period.

2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5)

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rate period ending on June 30, 1998, in an amount determined by the Director.

i) Critical Hospital Adjustment Payment Definitions

The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Cost per day at 80 percent occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
- 4) "Medicaid general care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 5) "Medicaid inpatient day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (i)(5) ¶(f) above.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department

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through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

- 9) "Medicaid psychiatric days", as used in subsection (i)(18) ¶(f) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.
- 10) "Medicaid rehabilitation days", as used in subsection (i)(18) ¶(f) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.
- 11) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.
- 12) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban

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- trauma centers.
- 13) "CHAP base period" means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period, etc.
- 14) "RCHAP general care admission" means Medicaid General Care Admissions, as defined in subsection (i)(4) ¶¶44 above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 15) "RCHAP obstetrical care admissions" means Medicaid General Care Admissions, as defined in subsection (i)(4) ¶¶44 above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in the CHAP base period.
- 16) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.
- 17) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover admissions.
- 18) "DHA Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

(Source: JUN 22 1998 22 Ill. Reg. 11511, effective _____)

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- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section Number(s): Adopted Action:
1020.80 New
- 4) Statutory Authority: Implementing Ch.5 and authorized by Section 2-104(b) of the Illinois Vehicle Code (625 ILCS 5/5 and 2-104(b)).
- 5) Effective Date of Rule: July 1, 1998
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this amendment contain incorporation by reference No
- 8) Date filed in Agency's Principal Office: July 1, 1998
- 9) Notice of Proposal Published in Illinois Register:
22 Ill. Reg. 6617 (April 10, 1998)
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version: Non-substantive clarifications were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:
Clarifies existing procedures for inspecting and issuing titles for rebuilt vehicles.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman, Assistant Counsel
Room 298, Howlett Building
Springfield, Illinois 62756
217/785-3094

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The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1020

DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section

1020.10

1020.20

1020.30

1020.40

1020.50

1020.70

1020.80

Dealers Established Place of Business
Required Records for Automotive Parts Recyclers Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
Records Required Upon Removal of Dash Assemblies with Vehicle Identification Number Plate Attached
Inspection of Licensees' Records and Premises
Consignment Sales by Dealers
Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles
Inspection of Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)].

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 14 Ill. Reg. 8704, effective June 1, 1990; amended at 15 Ill. Reg. 11640, effective August 1, 1995; amended at 20 Ill. Reg. 11356, effective August 1, 1996; amended at 22 Ill. Reg. 11527, effective

JUL 01 1998

Section 1020.80 Inspection of Rebuilt Vehicles

- a) Persons requesting an appointment with the Secretary of State Department of Police for the inspection of a rebuilt salvage vehicle will be given the name and address of the nearest safety lanes.
- b) In addition to the requirements of Sections 3-303 and 3-304 of the Illinois Vehicle Code, the following documents shall be submitted:
 - 1) A properly assigned Illinois Salvage Certificate, a foreign salvage title/certificate capable of being registered in Illinois, or a letter from the Administrator of the Secretary of State Vehicle Title Division authorizing the inspection of non-licensed applicants.
 - 2) A completed title application for a rebuilt vehicle with the licensed rebuilder's name exactly as it appears on the

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- certificate of authority.
- 3) Affirmation form RT-11.13 (or any subsequent form issued by the Secretary of State which fulfills the same purpose) completed with the name exactly as it appears on the certificate of authority. The affirmation shall include:
 - A) A list of all used essential parts identified by vehicle identification number and from whom the parts were acquired;
 - B) A list of all new parts identified by bill of sale or invoice; and
 - C) The signature of the applicant and/or the licensed rebuilder.
 - 4) Proof of Ownership documents of essential parts, including, but not limited to:
 - A) invoices, bills of sale, Uniform Invoice for Essential Parts forms (rebuilders may duplicate forms provided by the Secretary of State), junking certificates or other ownership documents which are notated with the year, make, and vehicle identification number on the documents for all used essential parts;
 - B) invoices for new essential parts which were used in the rebuilding of the salvage vehicle; and
 - C) a copy of the work order for the reclaimable part and the receipt for the replacement part which was installed on the vehicle described on the work order. For purposes of this Section, a "reclaimable" part is a damaged part which has been removed from a vehicle undergoing repair by a licensee which can be re-used, repaired for re-use or salvaged, e.g., fender that was removed and repaired or salvaged, then installed on a rebuilt vehicle.
 - c) The person bringing the vehicle to the inspection station shall be required to:
 - 1) show proof of a valid Illinois registration for the vehicle (dealer plates or a 72 hour permit);
 - 2) display a valid driver's license to the SVIS Investigator who will check through LEADS/NCIC/CRT to verify its validity. If suspended or revoked, the licensee will be required to provide a driver with a valid license;
 - 3) open the trunk or hood, as required, to provide accessibility to identification numbers; and
 - 4) leave the inspection area during the physical inspection of the vehicle.
 - d) A request for the inspection of a salvage vehicle will be denied if:
 - 1) there is improper documentation for the essential parts;
 - 2) there is incorrect documentation for the essential parts;
 - 3) documents are missing;
 - 4) the documents are illegible;
 - 5) the vehicle is missing essential parts;
 - 6) the vehicle is rebuilt using damaged parts;

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- 7) the vehicle is incomplete; or
- 8) the rebuilder is not properly licensed or does not have a letter from the Administrator of the Secretary of State Vehicle Title Division.
- e) A vehicle may fail an inspection if:
 - 1) insufficient or incorrect documentation is discovered after the inspection is started and the problem cannot readily be corrected;
 - 2) the identification numbers are ground away, defaced, mutilated, restamped or removed;
 - 3) contraband or stolen essential parts are installed on the vehicle. The vehicle may be held pending further investigation;
 - 4) a junking or salvage certificate is not properly assigned to the seller for all essential parts purchased from an Illinois licensee; or
 - 5) a reclaimable part is not accompanied by the proper documentation.
- f) A fee of \$75 will be charged for each inspection started or completed. The fee will be returned if the request for an inspection is denied and the physical inspection has not started.
- g) All Salvage Vehicle Inspection Reports must be signed by the on-site Secretary of State auto body specialist and approved by the Secretary of State investigator in charge of the station.
- h) No vehicle shall be inspected without an appointment unless there is express approval of the investigator in charge of the station.

(Source: Added at 22 Ill. Reg. 11531, effective JUL 01 1998)

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1) Heading of Part: Rulemaking in Illinois2) Code Citation: 1 Ill. Adm. Code 1003) Section Numbers:

100.110 Amended
 100.130 Amended
 100.140 Amended
 100.150 Amended
 100.200 Amended
 100.220 Amended
 100.240 Amended
 100.300 Amended
 100.340 Amended
 100.370 Amended
 100.410 Amended
 100.450 Amended
 100.500 Amended
 100.530 Amended
 100.545 Amended
 100.610 Amended
 100.670 Amended
 100.710 Amended
 100.800 Amended
 100.1100 Amended
 100.1110 Amended

100. Appendix A

Illustration A Amended
 Illustration B Amended
 Illustration C Amended
 Illustration D Amended
 Illustration E Amended

100. Appendix B

Illustration A Amended
 Illustration C Amended
 Illustration D Amended
 Illustration E Amended
 Illustration F Repealed
 Illustration G Amended
 Illustration H Amended
 Illustration I Amended

100. Appendix C

Illustration A Amended
 Illustration D Amended

100. Appendix D

Illustration A Amended
 Illustration D Amended

100. Appendix E

Illustration A Amended
 Illustration D Amended

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Illustration A Amended
 Illustration B Amended
 Illustration D Amended
 Illustration E Amended
 Illustration H New

4) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100]5) Effective Date of Amendments: July 1, 19986) Does this rulemaking contain an automatic repeal date? No7) Does these amendments contain an incorporations by reference? No8) Date filed in agency's principal office: June 19, 19989) Date Notice of Proposal published in the Illinois Register: March 20, 1998; 22 Ill. Reg. 541610) Has JCAR issued a Statement of Objections to these amendments? No11) Difference(s) between proposal and final version:

Section 100.110 added a definition of Page Header.

Section 100.130(b) Language was added to clarify the transition from the Ill. Adm. Code format to the ILAC format.

Section 100.140 includes language that stipulates the Title Index of the Code is published annually in the first issue of the Illinois Register of the year. The index will also be available upon request.

Section 100.340 language concerning the four subsections and the list of acronyms were reinstated.

Sections 100.530, 100.610, 100.710, Appendix A, Illustration A, Appendix B, Illustration E, Appendix C, Illustration A, Appendix D, Illustration A, Appendix D, Illustration D, language was added stating the rulemaking, including any material incorporated by reference, is on file in the agency's principle office and available for public inspection.

Section 100.800 includes language stating Rules specifying minimum qualifications for administrative law judges, as required by Section 10-20 of the Act, may be adopted pursuant to Section 5-15 or Section 5-35.

Section 100.1110 the Index Department review of rules that have been recodified will remain at 30 days rather than 5 as proposed.

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Appendix A.Illustration C includes language in the Note stating After commencement of the second notice period, no substantive changes may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee.

Other stylistic and punctuation changes were made throughout the text.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending this part? No

15) Summary and Purpose of amendments: The administrative rules of the State of Illinois were first codified as the Illinois Administrative Code in 1985. The codification scheme requires rules to be organized in 33 Title with 42 Subtitles and over 2,000 Parts in seven levels comprising of Title; Subtitle; Chapter; Subchapter; Part; Subparts and Sections.

The designation of Title and Part numbers primarily depends upon the subject matter of the rules and the agency adopting the rules. Through Chapter designations, whole segments of the Illinois Administrative Code are dominated by the rules of a particular agency. Consequently, the reorganization of agencies or transfer of functions requires not only changing the references to the agency in the text of the rules, but also the recodification or assignment of a new part number and often times a new Title designation.

The proposed amendments to 1 Ill. Adm. Code 100 calls for a codification change of the Illinois Administrative Code to be consistent with the Illinois Compiled Statutes (ILCS) codification of state laws. ILCS was designed for a modern era in law compilation being well balanced, uncomplicated and universal with 2,000 Acts codified into 67 chapters.

The codification of the administrative rules will provide a seamless codification scheme for the statutes and rules of Illinois. In that way, the arrangement will be similar to the federal regulatory codification system where the codification of the Code of Federal Register mirrors the United States Code.

The Illinois Administrative Procedures Act allows the Secretary of State to determine the codification scheme for the reasons as follows:

1. To assist the public in understanding and locating regulations.
2. To provide a uniform citation system for two of Illinois' primary

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sources of the law: the statutes and the rules.

3. To repeal an outdated codification system including Subtitle and Subchapter designations, simplifying the Code by reducing it from seven to five levels.

4. To provide greater flexibility for additions and deletions in the future.

The need for a more flexible codification system became evident recently with the reorganizations of various state agencies, such as the Office of Banks and Real Estate, the Department of Natural Resources and the Department of Human Resources. This rule allows for the correction of any nonsubstantive errors throughout the Illinois Administrative Code, and the revision of any citation yet updated after the creation of the ILCS.

Each Part will be recodified to coincide with the ILCS citation of the statute being implemented. In instances when more than one statute is implemented, the primary statute being implemented will be the ILCS citation used.

Other changes in this rulemaking includes reducing the amount of copies agencies shall submit for rulemaking from one original and four copies to one original and two copies. The deadline for submitting documents for the Register is being changed to 4:30 p.m. on Monday from 12 p.m. on Tuesday. When a state holiday falls on Monday, the deadline shall be 12 p.m. on Tuesday. Also, the text in the Sections being amended has been edited in order to eliminate redundancy and to be more concise.

16) Information and questions regarding this amendment part shall be directed to:

Joseph Natale
Index Department
111 E. Monroe
Springfield, IL 62756
217-782-7017

The full text of the Adopted Amendments begin on the next page:

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TITLE 1: GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATEPART 100
RULEMAKING IN ILLINOIS

SUBPART A: DEFINITIONS AND CODIFICATION

Section	
100.100	Rulemaking Compliance
100.110	Definitions
100.120	Agencies Covered
100.130	Illinois Administrative Code Organization
100.140	Codification Outline
100.150	Notice of Codification Changes
100.160	Deletion or Transfer of Rules
100.170	Re-using Part or Section Numbers (Renumbered)
100.180	Style Manual

SUBPART B: ILLINOIS REGISTER

Section	
100.200	Publication Schedule and Deadline
100.210	Contents
100.220	Publication Requirements
100.225	Cover Letter
100.230	Publication of Materials Incorporated by Reference
100.240	Notices of Corrections
100.250	Expedited Corrections
100.260	Indexes
100.270	Illinois Register Availability
100.280	Fees
100.290	Uncodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	
100.300	Headings
100.310	Table of Contents
100.315	Re-using Part or Section Numbers
100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.360	Proper Format
100.370	Citation of Codified Rules

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100.380	Statutory Language and Statutory Citations
100.385	Incorporation by Reference; Citation of Referenced Material
100.390	Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section	
100.400	Required Notice Periods
100.410	Notice of Proposed Rules
100.415	Other Statutory Requirements for Rulemaking
100.420	Text of Proposed Rules
100.430	Notice of Corrections
100.440	Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
100.445	Requirements for Submitting Materials for Register Publication
100.450	Index Department Review of Proposed Rules

SUBPART E: ADOPTED RULES

Section	
100.500	Requirements for Filing
100.510	Other Documents Required for Filing Adopted Rules
100.520	Requirements for Illinois Register Publication
100.530	Notice of Adopted Rules
100.540	Text of Adopted Rules
100.545	Index Department Review of Adopted Rules
100.550	Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section	
100.600	Filing; Agency Certification
100.610	Notice of Emergency Rules
100.620	Text of Emergency Rules
100.630	File Copy of Emergency Rules
100.640	Effectiveness
100.650	Adoption as a Permanent Rule
100.655	Index Department Review of Emergency Rules
100.660	Certificate of Review and Approval
100.670	Modification of an Emergency Rule
100.680	Repeal of an Emergency Rule

SUBPART G: PEREMPTORY RULES

Section	
100.700	Submission; Agency Certification
100.710	Notice of Peremptory Rules
100.720	Text of Peremptory Rules

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100.730 File Copy of Peremptory Rules
 100.735 Index Department Review of Peremptory Rules
 100.740 Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section
 100.800 Requirements
 100.810 Effectiveness; Exemption from Notice
 100.815 Index Department Review of Internal Rules
 100.820 Certificate of Review and Approval

SUBPART I: PROHIBITED FILING

Section
 100.900 Certified Statements from Joint Committee on Administrative Rules
 100.910 Prohibition of the Filing of Rules
 100.920 Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section
 100.1000 Certified Rules; Inspection
 100.1010 Photocopies and Fees
 100.1020 Illinois Administrative Code
 100.1025 Public Domain
 100.1030 State Property (Repealed)

SUBPART K: MISCELLANEOUS

Section
 100.1100 Recodification of Rules
 100.1110 Notice of Recodification
 100.1115 Index Department Review of Recodified Rules
 100.1120 Certificate of Review and Approval
 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules
 100.1140 Index Department Review of Other Notices and Materials Submitted for Register Publication
 100.1150 Regulatory Agendas
 100.1160 Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section
 100.1200 Availability
 100.1210 Fees

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APPENDIX A Proposed Rules

ILLUSTRATION A Notice of Proposed Rules
 ILLUSTRATION B Notice of Withdrawal of Proposed Rules
 ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

ILLUSTRATION D Notice of Corrections to Proposed Rules

ILLUSTRATION E Notice of Public Hearing on Proposed Rules

ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)

APPENDIX B Adopted Rules

ILLUSTRATION A Notice of Adopted Rules

ILLUSTRATION B Text of Adopted Rules (Repealed)

ILLUSTRATION C Agency Certification

ILLUSTRATION D Format for Filing Adopted Codified Rules

ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules

ILLUSTRATION F Notice of Corrections to Adopted Rules (Repealed)

ILLUSTRATION G Request for Expedited Correction

ILLUSTRATION H Refusal to Certify Expedited Correction

ILLUSTRATION I Notice of Expedited Correction

APPENDIX C Emergency Rules

ILLUSTRATION A Notice of Emergency Rules

ILLUSTRATION B Text of Emergency Rules (Repealed)

ILLUSTRATION C Agency Certification of Emergency Rules

ILLUSTRATION D Notice of Modification to Emergency Rules

APPENDIX D Peremptory Rules

ILLUSTRATION A Notice of Peremptory Rules

ILLUSTRATION B Text of Peremptory Rules (Repealed)

ILLUSTRATION C Agency Certification of Peremptory Rules

ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

APPENDIX E Miscellaneous

ILLUSTRATION A Notice of Recodification

ILLUSTRATION B Notice of Corrections to Notice Only

ILLUSTRATION C Certificate of Review and Approval

ILLUSTRATION D Notice of Codification Changes

ILLUSTRATION E Format for Statements of Objections or Recommendations

Issued by the Joint Committee on Administrative Rules

ILLUSTRATION F Regulatory Agenda

ILLUSTRATION G Regulatory Flexibility Notice

ILLUSTRATION H Notice of Publication Error

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985;

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emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. 13067, effective August 11, 1994; emergency amendments at 18 Ill. Reg. 17275, effective November 22, 1994, for a maximum of 150 days; emergency expired April 21, 1995; amended at 19 Ill. Reg. 7626, effective June 1, 1995; amended at 22 Ill. Reg. 11533, effective JUL 01 1993.

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act (1991-Ch-1277-Pars. 1-6 et seq.) [5 ILCS 100]. Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code.

"Agency": Agency means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court, each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. [5 ILCS 100/1-20]

"Agreements": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at

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the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another or of an Appendix.

"Authority": The right or power to promulgate rules. Such authority appears in the Illinois Compiled Revised Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes the Part is implementing, and the statutes that give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, ~~even when reduced by 50% in reproduction.~~ A document is camera-ready when it is clearly typed for ~~produced on word-processing or computer equipment~~ in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper ~~tencoded stock.~~ ~~Neither dot-matrix type nor photocopies are considered to be camera-ready.~~ ~~Uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.~~

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Index Department certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. [5 ILCS 100/5-85] [See Appendix B, Illustration I]

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the Index Department with the adopted rules.) (See Section 100.550 and 100. Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code designation for broad subject areas consisting of the Chapter Number from the Illinois Compiled Statutes. ~~Each Chapter within the Code designates a state agency.~~

"Citation": The citation of a State statute or federal rule containing the information necessary for the reader to locate the rule in the

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Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

"Code": The Illinois Administrative Code (abbreviated "ILAC" #11-Adm-Code#).

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the Chapter # title number, the Code abbreviation (ILAC #11-Adm-Code) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the Index Department for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Index Department's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Index Department's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a situation which the agency finds constitutes a threat to the public interest, safety or welfare. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Act": A division of the Illinois Administrative Code and a division of the Illinois Compiled Statutes.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division in Illinois of the Code (for example, the heading for this Part is "Rulemaking" (see Section 100.130)) #7-also-the-information-which-must-appear-at-the-top-of--each-page-for-both-Register-publication-(includes-the-Register-heading-the-agency-name--and--the-type-of-rulemaking-action-(See-100-Appendix-A-illustration--A))--and--for-codified--rules--filed--with--the--Index-Department--(includes-the-Title-Subtitle-(if-applicable)-Chapter-Subchapter-(if-applicable))-Part--Subparts-(if-applicable)-and-Section-numbers-(See-100-Appendix-B-illustration--B))-((See--Section

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"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act (Ill. Rev. Stat. 1917-Ch. 63--par--29-4--see-P-A--87-1005) [25 ILCS 135/5.04]- (abbreviated "ILCS").

"Illinois Register": The weekly publication which contains the rulemaking activity of State the-state's agencies, JCAR notices, the Governor's Executive Orders and Proclamations and other materials required by statute- (abbreviated "Ill. Reg.") #. Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified- (abbreviated "Ill. Rev. Stat."). This citation was used for statute citations prior to the recodification to ILCS.

"Implemented Statutes": Those laws contained in the Illinois Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative support services agency responsible for reviewing current rules of State the-state's agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United

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States Congress.

"Page Header": The information that must appear at the top of each page for both Register publication ("Illinois Register" with a line beneath it extending across the entire page, the agency name and the type of rulemaking action (see Appendix A, Illustration A)) and for codified rules filed with the Index Department (includes the Chapter, General Act, Part, Subparts (if applicable), Section numbers (see Appendix B, Illustration D) and agency acronym). (See Section 100.300.)

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number.

"Peremptory Rule": A rule or amendment necessitated by federal laws, federal rules, or court orders or certain collective bargaining agreements which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-50 of the Act. (See Subpart G.)

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-40(c) of the Act. (See also Section 100.415(a) of this Part)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections

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must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the Index Department when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Index Department, requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part. (See Section 1-70 of the Act)

"Secretary of State": The Administrative Code Division, a division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act, created within that Act, which

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should be used to identify that Act. ~~Unless a short title is actually specified in the Act itself, a short title may not be used.~~ Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note")

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act (~~1991-Rev-Stat-1991-CH-05-Par-2206~~ [30 ILCS 805/5]) and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10(d) of the Act)

"Statutory Citation": The citation of an Act, either State state or federal, containing the information necessary for the reader to locate the Act in the ~~Illinois Revised Statutes~~, ~~the~~ Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated.

"Style Manual": The manual prepared by the Index Department which is to be used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format.

~~"Subchapter": A division of the Code; the designation for a group of related parts under a single agency (chapter); subchapters may correspond to organizational divisions of the agency.~~

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

~~"Subtitle": A division of the Code; the designation for subject areas within a title which are focused on particular issues or subjects--but which involve the rules of more than one agency.~~

~~"Title": A division of the Code; the designation for a broad subject area.~~

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United

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States Code.

(Source: ~~Amended~~ at 22 Ill. Reg. **11533**, effective **JUL 01 1998**),

Section 100.130 Illinois Administrative Code Organization

a) The Illinois Administrative Code is arranged by five ~~seven~~ major divisions: ~~Chapter Title-Subtitle, General Act Chapter, Subchapter-Part, Subpart, and Section.~~ (See Section 100.110 for definitions of these divisions.) There are 67 ~~93~~ Chapters Titles within the Code, each covering a broad subject area. These Chapters Titles are listed in Section 100.140.

b) Transition to ILAC Codification Scheme

1) For purposes of accomplishing the codification change from the Ill. Adm. Code format to the ILAC format established in subsection (a) of this Section, the Index Department will consult with the affected agency, JCAR and LIS in determining the new codification scheme for that agency's rules and preparing file copies of the rules utilizing the new codification system. The new ILAC designation will be published in the Illinois Register as a codification change under Section 100.150. When the Notice of Codification Change has been published, the ILAC labeling system will become effective for the rules listed in that Notice. Until the Notices of Codification Change are published, all rules shall continue to be cited using the Ill. Adm. Code format.

2) Changes in rule language during the ILAC codification change will be nonsubstantive only, but may include updating Illinois statutory citations and Illinois Administrative Code cross-references.

3) Statutory Authority Notes may be updated, reorganized or revised to indicate most accurately the precise statutory authority for the Part.

4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body of the Code.

5) As part of the ILAC codification change, the Table of Repealed Parts will be created and the headings and Main Source Notes of all Parts that have been repealed for more than 2 years will be removed from the body of the Code.

6) If, during the transition to ILAC, the Index Department, in consultation with the affected agency and JCAR, determines that a single existing Part is based equally on more than one statute, ILAC numbers may be assigned reflecting each of the authorizing

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Acts. The text of the rule shall not be repeated at multiple locations; rather, all but one ILAC location shall contain an agency note cross-referencing the location of the actual rule text.

7) The Index Department will establish a standard policy for assigning ILAC designations to any Part that is authorized by federal statute with no corresponding Illinois statutory authority.

8) Updating of incorporations by reference is not a nonsubstantive change and shall not be accomplished within the ILAC codification change.

(Source: Amended JUL 01 1988, 22 Ill. Reg. 11582, effective

Section 100.140 Codification Outline

The 67 33 Chapters titles of the Code, with their applicable Subtitles, are listed below. If an agency does not know where its rules appear it appears in the Code outline, it must contact the Index Department, which maintains a detailed outline including Chapters, General Acts, Subchapters, and Parts and the agency to which these Parts are assigned. In the first issue of the Illinois Register each year, the Index Department will publish the current outline, including numbering and headings, of Chapters, General Acts and Parts, identifying the agency adopting each Part. Updated versions of the outline shall be available from the Index Department upon request throughout the year.

Government

- 5 General Provisions
- 10 Elections
- 15 Executive Officers
- 20 Executive Branch
- 25 Legislature
- 30 Finances
- 35 Revenue
- 40 Pensions
- 45 Interstate Compacts
- 50 Local Government
- 55 Counties
- 60 Townships
- 65 Municipalities
- 70 Special Districts
- 75 Libraries

Education

- 105 Schools
- 110 Higher Education
- 115 Education Labor Relations

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Regulations

- 205 Financial Regulations
- 210 Health Facilities
- 215 Insurance
- 220 Utilities
- 225 Professions and Occupations
- 230 Gaming
- 235 Liquor
- 240 Warehouses

Human Needs

- 305 Public Aid
- 310 Housing
- 315 Urban Problems
- 320 Aging
- 325 Children
- 330 Veterans

Health and Safety

- 405 Mental Health
- 410 Public Health
- 415 Environmental Safety
- 420 Nuclear Safety
- 425 Fire Safety
- 430 Public Safety

Husbandry

- 505 Agriculture
- 510 Animals
- 515 Fish
- 520 Wildlife
- 525 Conservation

Transportation

- 605 Roads and Bridges
- 610 Railroads
- 615 Waterways
- 620 Air Transportation
- 625 Vehicles

Rights and Remedies

- 705 Courts
- 710 Alternative Dispute Resolution
- 715 Notices
- 720 Criminal Offenses
- 725 Criminal Procedures
- 730 Corrections
- 735 Civil Procedures

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- 740 Civil Liberties
- 745 Civil Immunities
- 750 Families
- 755 Estates
- 760 Trusts and Fiduciaries
- 765 Property
- 770 Liens
- 775 Human Rights
- Business
- 805 Business Organizations
- 810 Commercial Code
- 815 Business Transactions
- 820 Employment
- Title-1:--General-Provisions
- Title-2:--Governmental-Organization
 - Subtitle-A:--Legislative-Agencies
 - Subtitle-B:--Courts-and-the-Judiciary
 - Subtitle-C:--Individual-Constitutional-Officers
 - Subtitle-D:--Code-Departments
 - Subtitle-E:--Miscellaneous-State-Agencies
 - Subtitle-F:--Educational-Agencies
- Title-3:--Legislature
 - Subtitle-A:--General-Assembly
 - Subtitle-B:--Legislative-Management-Agencies
- Title-4:--Discrimination-Procedures
- Title-8:--Agriculture-and-Animals
- Title-11:--Alcohol-Horse-Racing-and-Bottery
 - Subtitle-A:--Alcohol
 - Subtitle-B:--Horse-Racing
 - Subtitle-C:--Bottery
- Title-14:--Commerce
 - Subtitle-A:--Regulation-of-Business
 - Subtitle-B:--Consumer-Protection
 - Subtitle-C:--Economic-Development
- Title-17:--Conservation
- Title-20:--Corrections-Criminal-Justice-and-Law-Enforcement
- Title-23:--Education-and-Cultural-Resources
 - Subtitle-A:--Education
 - Subtitle-B:--Cultural-Resources
- Title-26:--Elections
- Title-29:--Emergency-Services-Disasters-and-Civil-Defense
- Title-32:--Energy
- Title-35:--Environmental-Protection
 - Subtitle-A:--General-Provisions
 - Subtitle-B:--Air-Pollution
 - Subtitle-C:--Water-Pollution

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- Subtitle-B:--Mine-Related-Water-Pollution
- Subtitle-E:--Agriculture-Related-Water-Pollution
- Subtitle-F:--Public-Water-Supplies
- Subtitle-G:--Waste-Disposal
- Subtitle-H:--Noise
- Subtitle-I:--Atomic-Radiation
- Subtitle-J:--Environmental-Research
- Subtitle-K:--Environmental-Financing
- Subtitle-L:--Environmental-Occupations
- Title-38:--Financial-Institutions
- Title-41:--Fire-Protection
- Title-44:--Government-Contracts-Procurement-and-Property-Management
 - Subtitle-A:--General-Procurement
 - Subtitle-B:--Supplemental-Procurement-Rules
 - Subtitle-C:--Governmental-Records
 - Subtitle-D:--Property-Management
 - Subtitle-E:--Miscellaneous-Provisions
- Title-47:--Housing-and-Community-Development
- Title-50:--Insurance
- Title-53:--Intergovernmental-Relations
- Title-56:--Labor-and-Employment
- Title-59:--Mental-Health
- Title-62:--Mining
- Title-68:--Professions-and-Occupations
- Title-71:--Public-Buildings-Facilities-and-Real-Property
- Title-74:--Public-Finance
- Title-77:--Public-Health
- Title-80:--Public-Officials-and-Employees
- Subtitle-A:--Merit-Employment-Systems
- Subtitle-B:--Personnel-Rules-Pay-Plans-and-Position-Classifications
- Subtitle-C:--Labor-Relations
- Subtitle-D:--Retirement-Systems
- Subtitle-E:--Ethics
- Subtitle-F:--Employee-Benefits
- Subtitle-G:--Payroll-Deductions
- Subtitle-H:--Deferred-Compensation
- Subtitle-I:--General-Travel-Control
- Title-83:--Public-Utilities
- Title-86:--Revenue
- Title-89:--Social-Services
- Title-92:--Transportation
- Title-95:--Veterans-and-Military-Affairs

(Source: Amended JUL 01 1993 at 22 Ill. Reg. 11530, effective)

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a) Style changes may be made by the Index Department in the codification of rules to:

- 1) facilitate the public's use of the Code,
- 2) comply with the requirements of the computer data base, or
- 3) bring previously filed codified rules into compliance with the current codification style.

b) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text.

c) Before filing codified rules with style changes, the Index Department will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.

d) The Index Department will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D7.) During codification changes, all the Parts that are being changed may be listed on a single Notice of Codification Changes.

e) A Notice of Codification Changes will also be published for changes the Index Department makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 22 Ill. Reg. 11533, effective JUL 01 1993)

SUBPART B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

a) The Index Department publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.

b) Pursuant to the provisions of this Part, all documents submitted to the Index Department for Illinois Register publication shall be received by 4:30 p.m. on Monday 12:00 p.m. on Tuesday. When a State holiday falls on Monday, the deadline shall be 12 p.m. on Tuesday. All documents meeting publication requirements will appear in the following week's Register.

c) However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the Index Department either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See also Section 100.550)

d) Copies of the current year's publication schedule with deadline dates are published weekly in the Illinois Register.

e) In the event that an agency which has submitted a proposed rule for publication subsequently wishes to withdraw that proposal prior to its

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publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100.Appendix A, Illustration C) No agency may withdraw an adopted, emergency or peremptory rule or expedited correction once it has been filed with the Index Department.

(Source: Amended at 22 Ill. Reg. 11533, effective JUL 01 1993)

Section 100.220 Publication Requirements

a) All documents submitted for publication shall meet the following requirements:

- 1) Each document shall be typewritten for-produced-on-word processing-or-computer-equipment on 8 1/2 x 11 inch white paper (at-least-20-lb-weight) and shall be single-spaced. One (1) American National Standard Code for Information Interchange (ASCII) format file or acceptable word processing program on a 3 1/2 inch disc, one (1) original (camera-ready) and two four-(4) paper copies shall be submitted. (See definition of "Camera-ready Copy" in Section 100.110) The original-and-all copies-shall-not-be-stapled-together-nor-three-note-punched-

- 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action being taken heading, all in capital letters, shall appear one double-space under the agency name, centered on the page.

- 3) There shall be a one inch margin from all sides of the page. Only one side of the page shall be used.

- 4) All documents submitted to the Index Department for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.

- 5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.

- 6) An-ASCII-format-file-shall-be-submitted-to-the-index-Department-unless-an-agency-does-not-have-the-equipment-to-produce-an-ASCII-format-file---in-that-event-the-Director-of-the-agency

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~~submitting--material-for-publication-in-the-Register-shall-notify the-Index-Department-in-writing-of--the--agency's--inability--to submit-an-ASCII-format-file-~~

- b) The type of action indicated headings on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (See Section 100.300 for further information on-headings.)
- c) The action types headings mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:
- 1) If the rules comprise a new Part, the term "Rules" shall be used;
 - 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;
 - 3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.

- d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, Illustrations A, C, D, and E; 100.Appendix B, Illustrations A, E, F, G, H, and I; 100.Appendix C, Illustrations A and D; 100.Appendix D, Illustrations A and D; and 100.Appendix E, Illustrations A, B, D, E and F.
- e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, repealers and expedited corrections) is published in the Illinois Register.

- f) The Index Department shall perform the following duties:

- 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Index Department will sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)
- 2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Index Department.

(Source: Amended at 22 Ill. Reg. 11533, effective JUL 01 1998)

Section 100.240 Notices of Corrections

- a) At the agency's request, the Index Department will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform

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all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published unless an inadvertent error was made by the Code Division or JCAR in the production of the camera-ready Illinois Register. (See 100.Appendix A, Illustration D and 100.Appendix E, Illustration H)

b) The Index Department shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Index Department except codification changes (Section 100.150) and expedited corrections (Section 100.560).

c) An agency may correct information contained on the introductory notice pages of a proposed rulemaking published in the Illinois Register by submitting one (1) ASCII format file or an acceptable word processing program on a 3 1/2 inch disc, one (1) original and four (4) paper copies of a Notice of Corrections to Notice Only for publication in the Register. (See 100.Appendix E, Illustration B) This Notice shall only be used when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D)

- d) Errors which are discovered in the file copy text following publication of the issue of the Register in which the notice of adopted rulemaking appeared shall be corrected by the agency through the general rulemaking process or by the expedited correction process (see Section 100.250).
- e) A Certificate and Notice of Expedited Correction shall be filed with the Index Department during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 22 Ill. Reg. 11533, effective JUL 01 1998)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section 100.300 Headings

- a) All rules submitted to the Index Department for publication in the Illinois Register must have the Register page header heading--the agency--name and the type of action statement heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Page Header Heading," see Section 100.110.)
- b) Rules submitted to the Index Department for filing as adopted must have the Code page header and agency name heading on each page

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pursuant to Section 100.500 and 100. Appendix B, Illustration D and the agency name below the page header on the first page of the text.

c) Headings for a Part's table of contents

- 1) Beginning at least 2" from the top of the page (to allow for the Register page header heading, the agency name and the action statement heading for Register publication or the Code page header and agency name heading for file copies) and centered on the page shall be the following headings:

A) The word CHAPTER followed by its label followed by a colon and the heading from Section 100.140;

B) The word SUBCHAPTER and its label followed by a colon and the heading (if applicable);

C) The word GENERAL ACT followed by its label followed by a colon and the heading from ICS and the heading;

D) The word SUBCHAPTER and its label followed by a colon and the heading (if applicable);

- 2) Each of the applicable headings listed above shall be all in capital letters (except where arabic numbers or small letter labels are used for the code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the part number and its heading shall appear on the first page only of both publication and file copies.

- 3) One double-space below the General Act Chapter, its label and heading (if applicable), the Subchapter, its label and heading shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.

- 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 22 Ill. Reg. 11530, effective 3/1/1993)

Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section heading number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear on a double-space below the main source note. For rules filed with the Index Department as adopted, the first Section shall appear on the next page following the main source note and each subsequent Section shall begin on a new page.

- b) Subsections shall be identified as indicated in the following format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated.

- 1) First level of subsection: Use a), b), c), etc. Locate the label

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one-and-one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page.

- 2) Second level of subsection: Use 1), 2), 3), etc. Locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two-and-one-half (2 1/2) inches from the left edge of the page.

- 3) Third level of subsection: Use A), B), C), etc. Locate the label two-and-one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from the left edge of the page.

- 4) Fourth level of subsection: Use i), ii), iii), etc. Locate the label three (3) inches from left edge of page (indent 20 spaces from the margin) and locate the text three-and-one-half (3 1/2) inches from the left edge of the page.

- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed, but unlabeled paragraphs at the same indent level as the opening paragraph following such labeled subsections or indented items or following labeled subsections at any level are not allowed.

- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.

- e) Sections which consist of definitions of various terms in alphabetical order shall not include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two (2) inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may also have a definitions Section. This Section should be the first Section within the specified codification division. Definitions may appear in the text of other Sections if necessary to explain that particular Section or subsection Sections in that Part or Subpart. Other lists within Sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.

- f) When dividing a Section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.

- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.

- h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.

- i) Since the codification system shall be compatible with electronic data processing equipment and programs maintained by and for the General

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Assembly (Section 5-80 of the Act), the Section symbol, subscript or superscript letters, the division symbol, the delta symbol, the square root symbol, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Index Department to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Index Department to determine if it can be used prior to submitting the proposed rules for Register publication.

1) All acronyms, abbreviations, initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each Part the reference appears with the acronym, abbreviation, initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, initials or shortened form throughout the remainder of the Part. This does not include the list of standard abbreviations shown in subsection (k) below.

k) Listed below are standard abbreviations and their meanings which do not have to be spelled out in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.

1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed.

2) All chemical abbreviations for the elements are allowed.

3) The following are examples of commonly known abbreviations:

Abbreviation	Definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Blvd.	Boulevard
Rtu	British thermal unit
C.	Centigrade, Celsius
C.D.T.	Central Daylight Time
CFR	Code of Federal Regulations
ch.	chapter
cm.	centimeter
C.S.T.	Central Standard Time (or other time zones)
cu.	cubic
D.C.	District of Columbia, Direct Current
Dr.	Drive

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E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
ILAC	Illinois Administrative Code
ILCS	Illinois Compiled Statutes
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North
n/a	not applicable
oz.	ounce
P.	page (Register citations to Volumes 1-4 only)
par., pars.	paragraph, paragraphs (statutory citations only)
P.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
USCB-S-G-	United States Code
W.	West
yd.	yard

(Source: Amended at 22 Ill. Reg. 1, effective 1/1/1990)

Section 100.370 Citation of Codified Rules

a) Each Part adopted in compliance with the codification system has a

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unique Code citation (that is, no two Parts can be cited exactly the same way). Within the text of a Part: if another unit of that Part is cited, the unit is specified followed by the appropriate label; if a unit of a different Part is cited, the entire Code citation must be used. The correct citations for the various divisions of the Code prior to the ILAC codification are illustrated below:

- 1) ~~a~~ When simply referring to a Title of the Code:
 - 14 Ill. Adm. Code
 - (Title 14 of the Code)
 - 2) ~~b~~ When referring to a Part of the Code:
 - 1 Ill. Adm. Code 100
 - (Part 100 of Title 1 of the Code)
 - 3) ~~c~~ When referring to a Section of a Part of the Code:
 - 17 Ill. Adm. Code 530.10
 - (Section 530.10 of Title 17 of the Code)
 - 4) ~~d~~ When referring to an entire Subtitle of a Title of the Code:
 - 2 Ill. Adm. Code: Subtitle C
 - (Subtitle C of Title 2 of the Code)
 - 5) ~~e~~ When referring to an entire Chapter of a Title (which has no Subtitles) of the Code:
 - 1 Ill. Adm. Code: Chapter I
 - (Chapter I of Title 1 of the Code)
 - 6) ~~f~~ When referring to an entire Chapter of a Title (which has Subtitles) of the Code:
 - 11 Ill. Adm. Code: Subtitle B, Chapter I
 - (Chapter I of Subtitle B of Title 11 of the Code)
 - 7) ~~g~~ When referring to an entire Subchapter of a Chapter of the Code:
 - 50 Ill. Adm. Code: Chapter I, Subchapter t
 - (Subchapter t of Chapter I of Title 50 of the Code)
 - 8) ~~h~~ When referring to an entire Subpart of a Part of the Code:
 - 68 Ill. Adm. Code 220. Subpart A
 - (Subpart A of Part 220 of Title 68 of the Code)
 - 9) ~~i~~ When referring to a Part's supplementary material:
 - 1 Ill. Adm. Code 100. Appendix A, Illustration A
 - (Illustration A of Appendix A of Part 100 of Title 1 of the Code)
 - 10) ~~j~~ The citations may be used in combination such as:
 - 11 Ill. Adm. Code: Subtitle B, Chapter I, Subchapter c
 - (Subchapter c of Chapter I of Subtitle B of Title 11 of the Code)
- b) The correct citations for the various divisions of the Code after the 1998 codification are illustrated below:
- 1) When referring to a Chapter and General Act of the Code:
 - 5 ILAC 100
 - (Chapter 5, General Act 100 of the ILCS)
 - 2) When referring to a Part of the Code:
 - 5 ILAC 100:1
 - (Part 1 of Chapter 5, General Act 100 of the Code)
 - 3) When referring to a Section of a Part of the Code:

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5 ILAC 100:1.110
(Section 1.110 of Part 1 of Chapter 5, General Act 100 of the Code)

- 4) When referring to an entire Subpart of a Part of the Code:
 - 5 ILAC 100:1. Subpart A
 - (Subpart A of Part 1 of Chapter 5, General Act 100 of the Code)
- 5) When referring to a Part's supplementary material:
 - 5 ILAC 100:1. Appendix A, Illustration A
 - (Illustration A of Appendix A of Part 1 of Chapter 5, General Act 100 of the Code)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: PROPOSED RULES

Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (see Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Index Department with the changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without a repeal and if a new Part is being proposed the text appears without underscoring):
 - 1) The heading of the Part;
 - 2) The Code citation (include only the Chapter Title, Code abbreviation, the General Act Number followed by a Part number, the Part number);
 - 3) Section Numbers (list in numerical order) (include supplementary material)
 - 4) The specific statutory citation upon which the Part is based and authorized;
 - 5) A complete description of the subjects and issues involved;
 - 6) Whether the proposed rule will replace an emergency rule currently in effect;
 - 7) Whether the proposed rule contains an automatic repeal date;
 - 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
 - 9) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so,

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specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;

- 10) A Statement of Statewide Policy Objectives (See Sections 100.110 and 100.415(b));
- 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted; ~~---All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments; and~~
- 12) Initial Regulatory Flexibility Analysis (see "Regulatory Flexibility Analysis", Section 100.110);

A) Types of small businesses (see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected

B) Reporting, bookkeeping or other procedures required for compliance

C) Types of professional skills necessary for compliance.

- b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as described shown above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register on a quarterly basis. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. ~~All rules in which Sections and/or supplementary material which are listed incorrectly shall be returned to the agency for corrections prior to being published in the Illinois Register.~~

- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.

- d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the

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procedure in Section 100.410(a)(1) through 100.410(a)(12) and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.

- e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by State state statute to be published in the Register.

(Source: Amended at 22 Ill. Reg. 11532, effective JUL 01 1993)

Section 100.450 Index Department Review of Proposed Rules

- a) The Index Department staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary to produce the Register from the Legislative Information System (LIS) database, the Index Department staff will notify the agency. The proposed rules, amendments or repealer will be published in the Register when the material is correct. Agencies shall submit the following: ~~corrected and re-submitted to the Index Department; this review includes; but is not limited to the following:~~

- 1) Register headings are correct;
- 2) Questions required pursuant to Section 100.410(a) and 100-Appendix A; illustration A appear in the correct order with the following questions checked for accuracy:

- A) The heading of the Part;
- B) The Code Citation;
- C) Section Numbers and Proposed Action;

- 3) Appropriate source notes are included where necessary;

- 1) 4) One text version of the rules in ASCII format or an acceptable word processing program on a 3 1/2 inch disc. The disc shall be labeled with the proper code citation.

- 2) One original and two four (4) paper copies of the required Notice Page and rulemaking were submitted with the original pages containing the required questions complied with the original pages containing text. And The two the four (4) paper copies shall be identically compiled and stapled;

- 3) 5) A cover letter accompanies the material for Register publication.

- b) The Index Department will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a

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list of comments on the codification of the proposed rules to the agency and to JC&R. This review includes, but is not limited to, the following:

- 1) Headings in the Part's table of contents match exactly the headings in the text;
- 2) Subsections are correct;
- 3) Source notes are correct;
- 4) Titles of state Acts are correct and statutory citations and/or references to the Acts appear where necessary;
- 5) Names of agencies are correct;
- 6) Rules referenced properly and citations added where necessary;
- 7) Renumbering done correctly if applicable;
- 8) Authority notes up to date and in the correct format;
- 9) Typographical and other inadvertent errors noted;
- e) The Index Department shall again review the rules for filing, publication and codification system compliance at the end of the second notice period and upon the agency's submission of the rules for adoption and Register publication pursuant to Sections 100-545 and 100-550.

(Source: Amended at 22 Ill. Reg. 11564, effective July 1, 1993)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at least 20-lb-weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100.Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter title number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Chapter number and Part or Section number. Each Section shall begin on a new page. (If an agency's word processing equipment cannot fit all this on the inner margin, the word Chapter may be abbreviated to Ch. and the word Section may be abbreviated to Sec. or the Section Symbol may be used.)
- i) If the Part being filed is contained in a title which has a Subtitle the word SUBTITLE and its appropriate label (capital letter) shall be centered on the page on the next line

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- 2) immediately below the solid line if the Part being filed is contained in a Chapter which has a Subchapter the word SUBCHAPTER and its appropriate label (lower case letter) shall be located on the next line immediately under the solid line on the right hand side of the page. For codified rules being filed, each Section must begin on a new page. The name of the agency shall appear two spaces below the page header only on the first of the file pages.
- d) The Chapter title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code page header heading. (See subsection (b) above)
- e) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:

- 1) For Sections which have been repealed and no text remains:
 - A) The Section number, the heading and the word "(Repealed)";
 - B) A Section source note containing the Register citation for the repeal.
- 2) For Sections which have been renumbered or recodified and no text remains:
 - A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";
 - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.
- 3) For Parts which have been repealed:
 - A) The title the Subtitle (if applicable) the Chapter and the General Act Subchapter (if applicable) along with their respective headings;
 - B) The Part number and its heading with the word "(REPEALED)";
 - C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been recodified and no text remains:
 - A) The title the Subtitle (if applicable) the Chapter and the General Act Subchapter (if applicable) along with their respective headings;
 - B) The Part number and its heading with the word "(RECODIFIED)";
 - C) A source note containing the Register citation for the recodification action.
- f) Adopted rules filed with the Index Department shall not contain either strike-outs or underscoring.

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(Source: Amended at 22 Ill. Reg. 11532, effective JUL 01 1993)

Section 100.530 Notice of Adopted Rules

a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (15)(f) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring:

- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter title number, the Code abbreviation, General Act number followed by a colon and the Part number);
- 3) Section numbers Adopted Action
(list in numerical order) (new Sections, amendments, repeals, renumbering, etc.)
(include supplementary material)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) The effective date of the adopted action (see also Section 100.550);
- 6) Whether the rule contains an automatic repeal date (see Section 100.335);
- 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act;
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection;
- 8) Date-fired-in-agency's principal officer
- 9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
- 10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:
 - A) Date and Register citation to the objection;
 - B) Date and Register citation to the agency's response;
 - C) Date agency submitted the response to JCAR;
- 11) A statement of the changes made between the proposed and adopted versions;
- 12) A statement that whether all the changes agreed upon by JCAR and the agency have been made as indicated in the agreements

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~~agreement-letter~~ issued by JCAR to the agency (see See definition of "agreements," Section 100.110);

- 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
- 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
- 15) Summary and purpose of rulemaking; and
- 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.
- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (see See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. ~~If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material that is not included, or the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filed and taking effect.~~
- d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repealers of Sections must be listed on the one Notice. The Administrative Code Division Index Department will accept only one Notice per Part for adopted rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part. In this instance only, the Index Department will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.
- e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly.

(Source: Amended 1993 22 Ill. Reg. 11532, effective JUL 01 1993)

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Section 100.545 Index Department Review of Adopted Rules

The Index Department staff will review all adopted rules, amendments and repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Index Department following the end of the second notice period. The Register and file versions will be checked for compliance with this Part. Agencies shall submit the following:

- a) One acceptable word processing version of the Notice of Adopted Rules on a 3 1/2 inch disc.
 - b) One original and two copies of the Register pages correctly collated and stapled with the Notice preceding the text.
 - c) The original and two copies of the file pages that are all three-hole punched, not stapled and printed on one side of the page, with the agency certification preceding the files pages.
 - d) The JCAR Certification of No Objection or, if JCAR has issued an objection, the agency's response to the objection in proper format pursuant to this Part.
 - e) A copy of the JCAR agreements issued on the rulemaking resulting from JCAR review of the rulemaking and the agency.
 - f) A cover letter describing the material being submitted.
- a) The Register version will be checked for compliance with this Part including, but not limited to, the following items:
- 1) Register headings are correct;
 - 2) All the questions required by Section 100.530(a) and 100. Appendix B--illustration A--appear in the correct order and, for the following questions, all responses are correct:
 - A) Heading of the Part;
 - B) Code Citation;
 - C) Section Numbers and Adopted Action;
 - D) Effective date--no rules filed with the Code Division shall be retroactively effective;

- 3) The text begins on the proper page and is in the proper order;
- 4) The changes requested by the Index Department during the first notice period have been made;
- 5) The rules (amendments, repeaters)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
- 6) Contain headings which match exactly in the Part's table of contents and the text;
- 7) References to state Acts contain the correct title and that statutory citations appear where necessary;
- 8) Agencies and their rules are correctly listed and/or cited;
- 9) Source and authority notes are correct and updated;
- 10) One ASCII format file or an acceptable word processing program or original and four (4) paper copies of the entire rulemaking are submitted and correctly compiled and stapled with all pages of

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the Notice in the right order and with the pages containing the required questions and agency responses preceding the pages of text:

- b) The Code file version will be checked for compliance with this Part including, but not limited to, the following items:
 - 1) The correct Code headings appear at the top of each page;
 - 2) Each Section begins on a new page;
 - 3) The changes requested by the Index Department during the first notice period have been made;
 - 4) The rules (amendments, repeaters)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to state Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated;
- 5) One original and two (2) paper copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text and the copies of the agency certification are attached to each copy of the text;
- 6) The original and two copies are all three-hole punched, not stapled and printed on one side of the page;
- 7) The original is camera-ready (see definition of "camera-ready," Section 100.110);
- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc., which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched;
- 9) The entire rulemaking package will be checked to ensure that the following items are included:
 - 1) The JCAR Certification of No Objection is attached to the JCAR has issued an objection, the agency's response to the objection is in proper format pursuant to this Part;
 - 2) A copy of the JCAR agreement letter issued on the rulemaking resulting from the meeting between JCAR and the agency (see definition of "agreements," Section 100.110);
 - 3) The cover letter describing the material being submitted;

(Source: Amended 1998 22 Ill. Reg. 1-1-1998, effective JUL 1 1998)

SUBPART F: EMERGENCY RULES

Section 100.610 Notice of Emergency Rules

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a) Each emergency rule submitted for publication in the Illinois Register shall include a Notice of Emergency Rules (Amendments, Repealers) (see 100.Appendix C, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring.

1) The heading of the Part;
2) The Code citation (include only the Chapter Title number, the Code abbreviation, General Act number followed by a colon and the Part number);

3) Section numbers
(list in numerical order)
(include supplementary
material) Emergency Action
(new Sections, amendments,
repeals, renumbering, etc.)

4) The specific statutory citation upon which the rule is based and authorized;

5) The effective date of the rule (immediately or less than 10 days after filing);

6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date;

7) Date filed with the Index Department Date--filed--in--agency's
principal-office;

8) A statement that a copy of the emergency rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection;

9) The reason for the emergency;

10) A complete description of the subjects and issues involved;

11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;

12) A Statement of Statewide Policy Objectives, if applicable (see also Sections 100.110 and 100.415(b));

13) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the

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Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these columns. If an agency omits from this listing one or more Sections or any supplementary material from the text which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Register and prior to its being filed and taking effect.

c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 22 Ill. Reg. 11538, effective JUL 01 1998)

Section 100.670 Modification of an Emergency Rule

a) To modify an emergency rule in response to an objection issued by JCAR, the agency must submit to the Index Department one 1/2 inch format file or an acceptable word processing program on a 3 1/2 inch disc, one 1/2 original and two four-1/4 paper copies of a Notice of Modification of Emergency Rules (Amendments, Repealer) in Response to a JCAR Objection which indicates the following:

- 1) The heading of the Part;
 - 2) The Code citation;
 - 3) Section numbers;
 - 4) Illinois Register citation to the Notice of Emergency Rules (Amendments, Repealer);
 - 5) Illinois Register citation to the JCAR Statement of Objection;
 - 6) The effective date of the emergency rulemaking;
 - 7) The date the modified rules were filed in the Code Division;
 - 8) The specific modifications being made; and
 - 9) The full text of the Sections being modified showing by strike-outs and underscoring the changes being made.
- b) The format for this Notice is shown in 100.Appendix C, Illustration D.
- c) The agency shall also submit one original and two 1/2 copies of the modified Sections for filing including the Part's table of contents and all affected Sections.
- d) A cover letter and agency certification must also accompany the materials listed above.
- e) These modifications do not extend the original 150 day time limit of the emergency rulemaking.
- f) The modified rules (amendments, repealer) must also meet all the codification, filing, and publication requirements as outlined in this Part prior to the Code Division's filing and publishing the Notice of

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NOTICE OF ADOPTED AMENDMENT(S)

Modification to Emergency Rules (Amendments, Repealer).

(Source: Amended at 22 Ill. Reg. 11572, effective JUL 01 1990)

SUBPART G: PEREMPTORY RULES

Section 100.710 Notice of Peremptory Rules

a) Each peremptory rule submitted for Register publication shall include a Notice of Peremptory Rules (Amendments, Repealers) (see 100. Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections (a)(1) through (13) below. On the next page shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file in the Code Division with all changes shown by strike-outs and/or underscoring.

- 1) Heading of the Part;
- 2) Code Citation (include only the Chapter title number, the Code abbreviation, General Act number followed by a colon and the Part number);
- 3) Section numbers
(list in numerical order)
(include supplementary material)
Peremptory Action
(new Sections, amendments, repeals, renumbering, etc.)
- 4) Reference to the appropriate State or federal court order, federal law, or federal rule, or collective bargaining agreement and the agency's reason for peremptory rulemaking;
- 5) Statutory authority;
- 6) Effective date;
- 7) A complete description of the subjects and issues involved;
- 8) Whether the rule contains an automatic repeal date;
- 9) Date filed with the Index Department Bate-filed-in-agency's principal-office;
- 10) A statement that a copy of the peremptory rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11)107 A statement that the rule is filed in compliance with Section 5-50 of the Act;

12)117 Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules;

13)127 A Statement of Statewide Policy Objectives (if applicable) (see also Sections 100.110 and 100.415(b)); and

14)137 The name, address and telephone number of the person to whom

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information and questions concerning this peremptory rule shall be directed.

- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (see See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice or lists any Sections or supplementary material the text for which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the Index Department's accepting the material for publication and filing.

c) All peremptory rulemaking action for one Part shall appear on one Notice. The Index Department Administrative Code Division will not accept for Register publication more than one Notice per Part per issue of the Register, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Index Department will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 22 Ill. Reg. 11573, effective JUL 01 1990)

Section 100.800 Requirements

a) Each agency shall adopt rules on the following pursuant to Section 5-15 of the Act:

- 1) a description of the current organization of the agency including charts of such organization;
- 2) procedures on public access to subjects, programs, and activities of the agency;
- 3) tables of contents, indexes, reference tables, and other materials to aid users in finding and using the agency's collection of rules currently in force;
- 4)37 the rulemaking procedures of the agency including any flow charts depicting such;
- 5)47 a location for public inspection of incorporated reference materials.

b) Agency organization charts shall neither specify names of individuals nor contain pictures of individuals. Rather, they shall specify only the bureaus, departments, divisions, sections, or units applicable to the agency.

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- c) Rules specifying minimum qualifications for administrative law judges, as required by Section 10-20 of the Act, may be adopted pursuant to Section 5-15 or Section 5-35.
- e) ~~Rules filed pursuant to Section 5-15 of the Act shall appear in title 2 of the Code and must meet the codification, publication and fitting requirements outlined in this Part.~~

(Source: Amended at 22 Ill. Reg. 11574, effective 07-01-1998)

SUBPART K: MISCELLANEOUS

Section 100.1110 Recodification of Rules

When an agency or the Index Department determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- an entire Part is being renumbered;
- more than 6 Sections of a Part are being renumbered;
- one or more Sections are being split into two or more Sections;
- two or more Sections are being combined into one Section;
- one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- Subparts are being changed;
- Agency names ~~Chapter numbers and/or headings~~ are being changed;
- ~~Subchapter labels or headings are being changed;~~
- Title numbers or headings are being changed;
- General Act numbers ~~Subtitle labels or headings~~ are being changed.

(Source: Amended at 22 Ill. Reg. 11574, effective 07-01-1998)

Section 100.1110 Notice of Recodification

- a) An agency recodifying its existing rules with no substantive changes is exempt from the notice requirements of Section 5-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (see See 100.Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:

- The heading of the Part;
- The Code citation;
- The date of Index Department review;
- The current headings and numbers of the rules being recodified;
- The outline of headings of Sections of the rules as recodified;
- A conversion table of present and recodified rules.

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- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Index Department for review at least 30 days prior to the date the agency wishes to adopt the recodified Part.
- c) In the event an agency or agencies are reorganizing or merging, all the Parts that are being recodified may be listed on a single Notice of Recodification.

(Source: Amended 1998 22 Ill. Reg. 11574, effective 07-01-1998)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PROPOSED RULES

1) Heading of the Part:

2) Code Citation: ----- **Ill-Adm-Code** -----

3) Section Numbers: Proposed Action:

4) Statutory Authority:

5) A Complete Description of the Subjects and Issues Involved:

6) Will this proposed rule replace an emergency rule currently in effect?

7) Does this rulemaking contain an automatic repeal date? Yes ___ No ___

If "yes," please specify the date: _____

8) Does this proposed rule (amendment, repealer) contain incorporations by reference?

9) Are there any other proposed amendments pending on this Part?

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives:

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected:
- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance:

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 19 ___ July 19 ___ OR

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NOTICE OF ADOPTED AMENDMENT(S)

This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the type of action statement action-heading as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action heading shall state NOTICE OF PROPOSED AMENDMENT(S); if the proposal is a repealer of an entire Part, the action heading shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended, at 22 Ill. R. C. 103)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION B Notice of Withdrawal of Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section Numbers: Proposed Action:
- 4) Date Notice of Proposed Rules (Amendments, Repealer) Published in the Illinois Register:
(issue date) _____ Ill. Reg. _____

5) Reason for the withdrawal:

NOTE: This Notice of Withdrawal is to be used only when withdrawing rules that have not been moved by the agency to second notice on which JCAR has not issued an objection. If the proposal was a new Part, the type of action statement action-heading shall be as shown above; if the proposal was amendments to an existing Part, the action heading shall state NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS; if the proposal was a repeal of an entire Part, the action heading shall state NOTICE OF WITHDRAWAL OF PROPOSED REPEALER.

(Source: Amended JUL 01 1998 at 22 Ill. Reg. 11533, effective

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF (MODIFICATION, WITHDRAWAL OR REFUSAL)*

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section Numbers: Action:
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
(issue date) _____ Ill. Reg. _____
- 5) Date JCAR Statement of Objection Published in the Register:
(issue date) _____ Ill. Reg. _____
- 6) Summary of Action Taken by the Agency:

*Choose the appropriate word(s): Modification, Withdrawal, or Refusal

NOTE: After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee. An agency may withdraw a proposed rule without a JCAR objection being issued. Please refer to Appendix A7-illustration-B for the proper format. If an agency plans to take different actions on each objection issued by the Joint Committee, the type of action statement action-heading on the Notice shall specify the specific actions as noted in Section 100.440. The exact wording (that is, RULES, AMENDMENTS, REPEALER) must match the wording on the action statement heading on the proposal.

(Source: Amended JUL 01 1998 at 22 Ill. Reg. 11533, effective

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D Notice of Corrections to Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF CORRECTIONS TO PROPOSED RULES

- 1) Heading of the Part for which proposed rulemaking is being corrected:
- 2) Code Citation: -----~~Ill--Adm--Code~~-----
- 3) Illinois Register citation to Notice of Proposed Rules (Amendments, Repealer):
____ Ill. Reg. ____; ____ (issue date), 19 ____
- 4) Sections being Corrected:
- 5) Correction(s) being made:

NOTE: If the material being corrected is a new Part, the action statement heading shall state "RULES." If the material being corrected is an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS." Since the publication of this Notice of Corrections nullifies the original first notice period, agencies are urged to withdraw their proposal and submit a new proposal rather than using this form.

(Source: Amended at 22 Ill. Reg. 11580, effective JUL 01 1998)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION E Notice of Public Hearing on Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----~~Ill--Adm--Code~~-----
- 3) Register Citation to Notice of Proposed Rules:
____ Ill. Reg. ____; ____ (issue date), 19 ____
- 4) Date, Time and Location of Public Hearing:
- 5) Other Pertinent Information:

NOTE: If an agency wishes to cancel a public hearing on proposed rules, it may do so by using this form. However, the action statement heading (NOTICE OF PUBLIC HEARING ON PROPOSED RULES) remains the same. Only one Part shall be listed per Notice. If the public hearing is on proposed amendments to an existing Part, the action heading shall state NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS; if the public hearing is on a proposed repealer of an existing Part (being repealed in its entirety), the action heading shall state NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. effective JUL 01 1998)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION A Notice of Adopted Rules

For detailed information on this Notice, please refer to Section 100.530.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF ADOPTED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----~~Adm~~-----~~Code~~-----
- 3) Section Numbers: Adopted Action:
- 4) Statutory Authority:
- 5) Effective Date of Rule(s)(Amendments, Repealer):
- 6) Does this rulemaking contain an automatic repeal date? Yes ___ No ___
- If so, please specify date: _____
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
if yes, was a copy of the approval form issued by JCAR attached to this rulemaking?

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, in on file in the agency's principal office and is available for public inspection.

8) Date Filed in Agency's Principal Office:

9) Notice(s) of Proposal Published in Illinois Register

_____, _____ Ill. Reg.
(issue date)

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? If answer is "yes," please complete the following:

A) Statement of Objection: _____ Ill. Reg.
(issue date)

B) Agency Response: _____ Ill. Reg.

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(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version:
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements agreement-letter issued by JCAR?
- 13) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect?
- 14) Are there any amendments pending on this Part?

- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s)(Amendments, Repealer):
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name:
Address:
Telephone:

The full text of the Adopted Rule(s)(Amendments) begins on the next page:

NOTE: For the proper action statements headings, please refer to the note in Appendix A, Illustration A, substituting the word "ADOPTED" for "PROPOSED."

(Source: Amended at 22 Ill. Reg. 11583, effective JUL 01 1990)

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NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION C Agency Certification

Certificate of (Adopted, Amended, Repealed, or Recodified) Part

The

(name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of:

Heading of Part:

Code Citation:

Sections Involved:

which was duly (adopted, amended, repealed, recodified) by this agency. on-the-
day-of-----7-19-----

Statutory Authority:

Illinois Revised Statutes

Chapter Paragraph

Signature of Officer

Title of Officer

(Source: Amended at 22 Ill. Reg. 1133, effective JUL 01 1988)

Section 100. ILLUSTRATION D Format for Filing Adopted Certified Rules

SOS 5 Illinois Administrative Code 100 Section 1.10
 I--I--I--ADMINISTRATIVE---CODE---CH---I---SEC-400-00---SUBTITLE
 B-----SUBCHAPTER-B

NOTE: All adopted codified rules submitted for filing must have the Code page header as shown above. Headings on each page. (See the definition of "page header" in Section 100.110.) En. Subtitles will contain the word SUBTITLE and its tabular under the solid line on the right-hand side of the page. Only these chapters with Subtitles will be centered of the page.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF AUTOMATIC REPEAL OF ADOPTED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Statutory Authority:
- 5) Effective Date of Automatic Repeal:
- 6) A statement that a copy of the text of this rulemaking that is automatically repealed, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 6) Date Filed in Agency's Principal Office:
- 7) Notice of Adopted Rules Which Included the Automatic Repeal Date Published in the Illinois Register:
_____, 19____; _____ Ill. Reg. _____
(issue date)
- 8) Summary and Purpose of Automatic Repeal of Rules:

The full text of the rulemaking being automatically repealed begins on the next page:

NOTE: In the action statement heading for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF RULES shall be used if the material is a complete new Part and the words NOTICE OF AUTOMATIC REPEAL OF AMENDMENTS shall be used if the material is an amendment to a Part (new Sections).

(Source: Amended at 22 Ill. Reg. 11586, effective JUL 01 1988)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION F Notice of Corrections to Adopted Rules (Repealed)

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF CORRECTIONS TO ADOPTED RULES

- 1) Heading of the Part:--
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Illinois Register citation to the Notice of Adopted Rulemaking:
=====7 ----- Ill--Reg: -----
(issue date)
- 5) The corrections listed below have been made to the file copy of the above named rules in order to bring them into agreement with the copy of the text as published in the Illinois Register:

NOTE:--If the material being corrected was a new Part, the action heading shall state "REPEAL."--If the material being corrected was an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS."

(Source: Repealed at 22 Ill. Reg. 11586, effective JUL 01 1988)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION G Request for Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: -----III--Adm--Code-----
(issue date) _____ Ill. Reg. _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Summary and Purpose of Expedited Correction: _____
- 7) Information and questions regarding this request shall be directed to: _____

Name: _____
Address: _____
Telephone: _____
(Source: JUL 01 1988 at 22 Ill. Reg. 11588, effective _____)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION H Refusal to Certify Expedited Correction

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

REFUSAL TO CERTIFY EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: -----III--Adm--Code-----
(issue date) _____ Ill. Reg. _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 7) Reason for Refusal: _____
(Source: JUL 01 1988 at 22 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION I Notice of Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Date Proposal published in Illinois Register: _____ Ill. Reg. _____
(issue date)
- 5) Date Adoption published in Illinois Register: _____ Ill. Reg. _____
(issue date)
- 6) Date Request for Expedited Correction published in Illinois Register: _____ Ill. Reg. _____
(issue date)
- 7) Adoption Effective Date:
- 8) Correction Effective Date:
- 9) Reason for Approval of Expedited Correction:

Agency Director Date

The full text of the Corrected Rules begins on the following page.
(Source: Amended JUL 01 1980 22 Ill. Reg. effective

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. APPENDIX C Emergency Rules

Section 100. ILLUSTRATION A Notice of Emergency Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section Numbers: _____ Emergency Action:
- 4) Statutory Authority:
- 5) Effective Date of Rule(s) (Amendments, Repealer):
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: Date--Filed--in--Agency's--Principal Office:
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency:

10) A Complete Description of the Subjects and Issues Involved:

11) Are there any proposed amendments to this Part pending?

Section Numbers Proposed Action Illinois Register Citation

12) Statement of Statewide Policy Objectives:

13) Information and questions regarding this rule (amendment, repealer) shall be directed to:

Name:
Address:
Telephone:

The full text of the emergency rules (amendments, repealer) begins on the next

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page:

AGENCY NOTE: For the correct action statement heading, please refer to the note in Appendix A, Illustration A, substituting the word "EMERGENCY" for the word "PROPOSED."

(Source: Amended at 22 Ill. Reg. 1.1.330), effective

JUL 01 1998

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D Notice of Modification to Emergency Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part:

2) Code Citation: ----- Ill.-Adm.-Code -----

3) Section numbers:

4) Notice of Emergency Rules (Amendments, Repealer) published in the Illinois Register:

_____, _____ Ill. Reg. _____
(issue date)

5) JCAR Statement of Objection to Emergency Rules (Amendments, Repealer) published in the Illinois Register:

_____, _____ Ill. Reg. _____
(issue date)

6) Date agency submitted this modification to JCAR for approval:

7) Summary of Action Taken by the Agency:

The full text of the Section(s) of the emergency rules (amendments, repealer) being modified begins on the next page:

AGENCY NOTE: If the emergency was a new Part, the action statement heading shall state "RULES." If the emergency was an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS."

(Source: Amended at 22 Ill. Reg. _____, effective
JUL 01 1998)

SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX D Peremptory Rules

Section 100.ILLUSTRATION A Notice of Peremptory Rules

For detailed information on this Notice, please refer to Section 100.710.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PEREMPTORY RULES

- 1) Heading of the Part:
- 2) Code Citation: -----III--Adm--Code-----
- 3) Section Numbers: Peremptory Action: 22 Ill. Reg. 11532
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking:
- 5) Statutory Authority:
- 6) Effective Date:
- 7) A Complete Description of the Subjects and Issues Involved:
- 8) Does this rulemaking contain an automatic repeal date? Yes No

If "yes," please specify date: _____

- 9) Date Filed in with the Index Department Agency's-Principal-Office:

10) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

12) Are there any proposed amendments pending to this Part?

Section Numbers Proposed Action Illinois Register Citation

13) Statement of Statewide Policy Objectives:

14) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT(S)

Name:
Address:
Telephone:

The full text of the Peremptory rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action statement heading, please refer to the note in Appendix A, Illustration A, substituting the word "PEREMPTORY" for the word "PROPOSED."

(Source: Amended JUL 01 1993 at 22 Ill. Reg. 11532, effective _____)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES

- 1) Heading of the Part:
- 2) Code Citation: -----~~Ill-Adm-Code~~-----
- 3) Section Numbers:
- 4) The Specific State or Federal Court Order, Federal Rule or Statute Which Required this Automatic Repeal of Rules:
- 5) Effective Date of Automatic Repeal:
- 6) A statement that a copy of the text of the rule that is automatically repealed, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 6+
~~Date-Filed-in-Agency's-Principal-Office~~
- 7) Notice of Peremptory Rulemaking Which Included the Automatic Repeal Date Published in the Illinois Register:
_____, 19____; Ill. Reg. _____

- 8) Summary and Purpose of Automatic Repeal of Peremptory Rules:

The full text of the peremptory rules (amendments, repealer) being automatically repealed begins on the next page:

NOTE: In the action statement heading for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES shall be used if the material is a complete new Part and the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY AMENDMENTS shall be used if the material is an amendment to a Part (new Sections).

(Source: JUL 01 1998, 22 Ill. Reg. 11592, effective

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. APPENDIX E Miscellaneous

Section 100. ILLUSTRATION A Notice of Recodification

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation: -----~~Ill-Adm-Code~~-----
- 3) Date of Index Department Review:
- 4) Headings and Section Numbers of the Part Being Recodified:
Section Numbers Headings
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:
Section Numbers Headings
- 6) Conversion Table of Present and Recodified Parts:

Present Part
(Section Numbers)

Recodified Part
(Section Numbers)

(Source: Amended JUL 01 1998, 22 Ill. Reg. _____, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION B Notice of Corrections to Notice Only

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation: ----- Ill--Adm--Code -----
- 3) The Notice of Proposed (Adopted, Emergency, Peremptory) Rules (Amendments, Repealer) being corrected appeared at _____ Ill. Reg. _____, dated _____, 19____.
- 4) The information being corrected is as follows:

(Source: Amended JUL 01 1988 22 Ill. Reg. 11532, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D Notice of Codification Changes

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NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part:
- 2) Code Citation: ----- Ill--Adm--Code -----
- 3) Effective Date of Rules (Amendments, Repealer):
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register:
- 5) Pursuant to Section 5-80 of the Illinois Administrative Procedure Act, [5 ILCS 100/5-80], [Ill--Rev--Stat--1985--ch--137,--par--1007(b)] and the Index Department has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 22 Ill. Reg. 11532, effective

JUL 01 1988)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTIONS

NAME OF AGENCY UPON WHOSE RULES THE OBJECTIONS ARE BEING ISSUED

Part Heading:

Code Citation: ---- Ill.-Adm.-Code -----

Section Numbers:

Proposed Action:

Date proposed rules (amendments, repealer) published in the Illinois Register:

(issue date) , Ill. Reg. -----

Specific Objections:

NOTE: When objections are issued on emergency rules, the action statement heading shall state: STATEMENT OF OBJECTIONS TO EMERGENCY RULES (AMENDMENTS, REPEALER). When objections are issued on peremptory rules, the action heading shall state: STATEMENT OF OBJECTION TO PEREMPTORY RULES (AMENDMENTS, REPEALER). When objections are issued on existing rules, the action heading shall state: STATEMENT OF OBJECTIONS TO EXISTING RULES. When recommendations, rather than objections, are being issued, the word OBJECTION in the action statement heading shall be changed to RECOMMENDATION.

(Source: amended JUL 01 1998 22 Ill. Reg. 11532, effective)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION H Notice of Publication Error

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PUBLICATION ERROR

1) Heading of the Part:

2) Code Citation:

3) Register citation of proposed or adopted rulemaking and other pertinent action:

4) Explanation:

(Source: Added at 22 Ill. Reg. 11532, effective JUL 01 1998)

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Contract Procurement

2) Code Citation: 44 Ill. Adm. Code 660

3) Section Numbers: Emergency Action:

660.10 New Section
660.20 New Section
660.30 New Section
660.40 New Section
660.50 New Section
660.60 New Section
660.70 New Section
660.80 New Section
660.90 New Section
660.100 New Section
660.110 New Section
660.120 New Section
660.130 New Section
660.140 New Section
660.150 New Section
660.160 New Section
660.170 New Section
660.180 New Section
660.190 New Section
660.200 New Section
660.210 New Section
660.220 New Section
660.230 New Section
660.240 New Section
660.250 New Section
660.260 New Section
660.270 New Section
660.280 New Section
660.290 New Section
660.300 New Section
660.310 New Section
660.320 New Section
660.330 New Section
660.340 New Section
660.350 New Section
660.360 New Section
660.370 New Section
660.380 New Section
660.390 New Section
660.400 New Section
660.410 New Section
660.420 New Section
660.430 New Section

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NOTICE OF EMERGENCY RULES

660.440 New Section
660.450 New Section
660.460 New Section
660.470 New Section
660.480 New Section
660.490 New Section
660.500 New Section
660.510 New Section
660.520 New Section
660.530 New Section
660.540 New Section
660.550 New Section
660.560 New Section
660.570 New Section
660.580 New Section
660.590 New Section
660.600 New Section
660.610 New Section
660.620 New Section
660.630 New Section
660.640 New Section
660.650 New Section
660.660 New Section
660.670 New Section
660.680 New Section
660.690 New Section
660.700 New Section
660.710 New Section
660.720 New Section
660.730 New Section
660.740 New Section
660.750 New Section

4) Statutory Authority: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

5) Effective date of rule: July 1, 1998

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date filed in Agency's Principal Office: July 1, 1998

8) Reason for Emergency: The Illinois Procurement Code, 30 ILCS 500, takes effect July 1, 1998. The Department of Transportation previously published a set of identical proposed rules on Contract Procurement in an earlier issue of the Illinois Register that will, upon adoption, implement the provisions of the new Code. However, due to the recent appointment of

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

the Procurement Policy Board and the commencement of Board activity on July 1, 1998, the Department will not have rules in place to support upcoming contract lettings scheduled for July 10, 1998, July 31, 1998 and September 18, 1998. This emergency rulemaking is necessary to provide a regulatory basis for these near term lettings in order not to delay needed public works projects pending the regular rulemaking process.

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking implements and applies the requirements contained in the Illinois Procurement Code, 30 ILCS 500, effective July 1, 1998, as they affect the contract procurement procedures of the Department.
- 10) Are there any Proposed Amendments to this Part pending? No. The proposed rules were published in a previous issue of this *Illinois Register*.
- 11) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.
- 12) Information and questions regarding this rule shall be directed to:

Mr. Jon E. Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
Room 311
2300 S. Dirksen Parkway
Springfield, Illinois 62764
(217)782-3215

The full text of the emergency rule begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 660
CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section	Authority
660.10	EMERGENCY
660.20	Policy
660.30	Purpose and Policy Interpretations
660.40	Definitions
EMERGENCY	

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section	Transportation Bulletin
660.50	EMERGENCY
660.60	Subscription Fees
EMERGENCY	
660.70	Direct Solicitation
EMERGENCY	

SUBPART C: METHODS OF PROCUREMENT

Section	Competitive Sealed Bids
660.80	EMERGENCY
660.90	Competitive Sealed Proposals
EMERGENCY	
660.100	Small Contracts
EMERGENCY	
660.110	Sole Source Contracts
EMERGENCY	
660.120	Emergency Contracts
EMERGENCY	

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section	General Conditions for Use
660.130	EMERGENCY

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NOTICE OF EMERGENCY RULES

660.140 Invitations for Bids
EMERGENCY
660.150 Amendments to Invitations for Bids
EMERGENCY
660.160 Preparation of Bids
EMERGENCY
660.170 Delivery of Bids
EMERGENCY
660.180 Change or Withdrawal of Bids
EMERGENCY
660.190 Combination Bids for Construction Contracts
EMERGENCY
660.200 Pre-Bid Conferences
EMERGENCY
660.210 Public Opening of Bids
EMERGENCY
660.220 Consideration of Bids
EMERGENCY
660.230 Mistakes
EMERGENCY
660.240 Award After Bid Evaluation
EMERGENCY
Section
660.250 Split and Multiple Awards
EMERGENCY
660.260 Time for Award
EMERGENCY
660.270 Delay in Award
EMERGENCY
660.280 Binding Contract
EMERGENCY
660.290 Requirement of Contract Bond for Construction Contracts
EMERGENCY
660.300 Execution of Contract
EMERGENCY
660.310 Publication of Contracts
EMERGENCY

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section
660.320 General Conditions for Use
EMERGENCY
660.330 Request for Proposals
EMERGENCY
660.340 Delivery of Proposals
EMERGENCY

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

660.350 Evaluation of Proposals
EMERGENCY
660.360 Discussions with Responsible Offerors
EMERGENCY
660.370 Award
EMERGENCY
660.380 Publication of Contracts
EMERGENCY

SUBPART F: PROTESTS

Section
660.390 Application
EMERGENCY
660.400 Interested Party
EMERGENCY
660.410 Subject of the Protest
EMERGENCY
660.420 Filing of a Protest
EMERGENCY
660.430 Stay of Action during Protest
EMERGENCY
660.440 Decision
EMERGENCY

SUBPART G: SPECIFICATIONS

Section
660.450 Standard Specifications
EMERGENCY
660.460 Contract Documents
EMERGENCY
660.470 Specification Standards
EMERGENCY

SUBPART H: SUSPENSION OF CONTRACTORS

Section
660.480 Purpose
EMERGENCY
660.490 Definitions
EMERGENCY
660.500 Policy
EMERGENCY
660.510 General
EMERGENCY
Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

660.520 Causes for Suspension
EMERGENCY

660.530 Interim Suspension
EMERGENCY

660.540 Voluntary Exclusion
EMERGENCY

660.550 Term of Suspension
EMERGENCY

660.560 Coverage
EMERGENCY

660.570 Other Agency Suspensions
EMERGENCY

660.580 Responsibility
EMERGENCY

660.590 Continuation of Executory Contracts
EMERGENCY

660.600 Exception Provision
EMERGENCY

660.610 Notice of Suspension
EMERGENCY

660.620 Response and Request for Hearing
EMERGENCY

660.630 Hearing Date and Hearing Officer
EMERGENCY

660.640 Answer
EMERGENCY

660.650 Form of Documents
EMERGENCY

660.660 Computation of Time
EMERGENCY

660.670 Appearances
EMERGENCY

660.680 Hearing Procedures
EMERGENCY

660.690 Determination
EMERGENCY

SUBPART I: MISCELLANEOUS

Section

660.700 Property Rights
EMERGENCY

660.710 Federal Requirements
EMERGENCY

660.720 Intergovernmental Agreements
EMERGENCY

660.730 No Waiver of Sovereign Immunity
EMERGENCY

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660.740 Written Determinations
EMERGENCY

660.750 Severability
EMERGENCY

AUTHORITY: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days.

SUBPART A: GENERAL

Section 660.10 Authority
EMERGENCY

- a) The Secretary of Transportation is established in the Illinois Procurement Code (the Code) [30 ILCS 500] as the Chief Procurement Officer for all construction and construction-related services contract procurement, for procurement related to the operation of any facility under the jurisdiction of the Illinois Department of Transportation (the Department), and for the procurement of contracts necessary to the provision of any service or activity for which the Department is charged by law. The Secretary has the authority to appoint State Purchasing Officers to carry out the responsibility established in the Illinois Procurement Code. (See Section 1-15.15 of the Code.)
- b) With respect to construction and construction-related services, the Department is charged by law with the responsibility for the construction, improvement, maintenance and operation of the State Highway System; the rehabilitation, improvement and construction of rail facilities; and the construction, improvement and maintenance of air navigation facilities either on behalf of the State or as agent for units of local government empowered to operate air navigation facilities. In addition, the Department may let contracts for highway construction on highway systems under the jurisdiction of local highway authorities as a condition of the receipt of federal-aid funds or as otherwise provided by law.
- c) Procurements undertaken in accordance with the authority of the Department and subject to the Code will be accomplished in accordance with this part or the standard procurement rules adopted by the Department of Central Management Services as indicated in the notice of the relevant procurement. All other procurements subject to the Code and committed to the authority of other Chief Procurement Officers therein will be conducted in accordance with the rules adopted by those Chief Procurement Officers. Procurements subject to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act will be conducted, in all aspects and procedures,

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NOTICE OF EMERGENCY RULES

including but not limited to prequalification, publication, evaluation, selection, contract formation and amendment, and performance evaluation, in accordance with rules adopted by the Department pursuant to that Act.

Section 660.20 Policy EMERGENCY

All Department contract procurements will be accomplished in the most economic and expeditious manner consistent with the principles and practices established in the Code. It is the policy of the Secretary of Transportation, as Chief Procurement Officer for the Department, that all activities of appointed State Purchasing Officers and other designees related to the procurement process maximize the value of the expenditure of public funds in procuring contracts, and that those appointed and designated act in a manner that maintains public trust in the integrity of the process.

Section 660.30 Purpose and Policy Interpretations EMERGENCY

This Part is promulgated to guide the Department in implementing the procurement practices applicable to contract procurement established in the Code. All policy and operational interpretations will be made in a manner so as to secure the commercial needs of the State, to protect, safeguard and maintain the integrity of the procurement process, and to maximize the value of the expenditure of public funds. This Part is intended and designed to achieve practical, standard procedural uniformity for procurement undertaken by the Department.

Section 660.40 Definitions EMERGENCY

As used throughout this Part, terms defined in the Illinois Procurement Code have the same meaning as in the Code and as further defined below. Each term listed in this Section has the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" - Any person or entity that in fact submits a bid.

"Change Order" - A formal, written directive or agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, increases or decreases in quantities, additions or alterations to plans, special provisions or specifications, and

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adjustments or alterations specifically provided for in the contract.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Contract" - A written agreement between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, and setting forth the obligations of the parties for the performance of the contract.

"Day" - A calendar day.

"Department" - The Illinois Department of Transportation.

"Germane" - In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Proposal" - A response to a Request for Proposals.

"Responsible" - The capability, integrity and reliability of a bidder, offeror or contractor, in all respects that will assure good faith performance, to undertake and complete fully the requirements of a contract.

"Responsive" - In the context of bidding procedures, the compliance in all meaningful, material respects with the Invitation for Bids.

"Special Provisions" - Additions and revisions to the Standard and Supplemental Specifications applicable to an individual contract.

"Specifications" - The body of directions, provisions, and requirements for performance of prescribed work. Specifications includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"Supplemental Specifications" - Additions and revisions to the Department's Standard Specifications.

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section 660.50 Transportation Bulletin EMERGENCY

- a) The Department is responsible under the Code for publication of its volume of the Illinois Procurement Bulletin. The Department volume is

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

entitled the "Transportation Bulletin." (See Section 15-1 of the Code.)

- b) The Transportation Bulletin is the published source for all Department procurement actions, notices and other information relevant to Department procurement activities undertaken pursuant to this Part.
- c) The Transportation Bulletin may be published in subparts designed to enhance and focus the ability of users to find information relevant to the user's interest.
- d) The Transportation Bulletin or any subpart thereof will be published or updated at least once each month but may be updated more frequently.

Section 660.60 Subscription Fees**EMERGENCY**

The Department reserves the right to charge subscription fees in accordance with Section 15-15 of the Code. The Transportation Bulletin will be made available without charge to prequalified bidders and offerors, and to public libraries within Illinois expressing interest. Access to detailed information contained in the Transportation Bulletin or any subpart may require additional fees.

Section 660.70 Direct Solicitation**EMERGENCY**

Publication of the Transportation Bulletin or any subpart shall not prohibit direct solicitation in addition to publication in order to enhance competition or interest of prospective contractors in particular procurements.

SUBPART C: METHODS OF PROCUREMENT

Section 660.80 Competitive Sealed Bids**EMERGENCY**

Except for those circumstances and methods described in Sections 660.90, 660.100, 660.110 and 660.120, all Department contracts will be procured by competitive sealed bidding in accordance with Section 20-10 of the Code and this Part. (See Section 20-5 of the Code.)

Section 660.90 Competitive Sealed Proposals**EMERGENCY**

- a) Department contracts may be procured by competitive sealed proposals when the Department determines that competitive sealed bidding is either not practicable or not advantageous to the State. (See Section 20-15(a) of the Code.)
- b) The determination to use competitive sealed proposals will be made in writing on either a contract-by-contract or a category of contracts

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basis.

- 1) "Practicable" Distinguished From "Advantageous." As used in this Subpart, the term "practicable" means that which may be accomplished or put into practical application, and "advantageous" means an assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a contract may be entered into by competitive sealed proposals, the Department will determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.
- 2) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals may be used. The competitive sealed proposal method differs from competitive sealed bidding in two principal ways. First, it permits discussions with competing offerors and changes in their proposals, including price. Second, it allows comparative evaluations to be made when selecting among acceptable proposals for award of the contract. Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing values other than price alone, or where prior procurement experience indicates that competitive sealed proposals may result in more beneficial contracts for the State, use of competitive sealed proposals is the appropriate procurement method.

- c) Contracts for professional and artistic services governed by the Competitive Selection Procedures adopted by the Illinois Department of Central Management Services are subject to those procedures for procurement.

Section 660.100 Small Contracts**EMERGENCY**

- a) Individual contracts for supplies or services from any one source that do not exceed \$10,000 may be made without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20(a) of the Code.) Contracts for professional and artistic services that do not exceed \$20,000 for a nonrenewable term of not more than one year will be procured in accordance with this Section.
- b) Construction contracts, construction supply contracts, construction-related service contracts and change orders made thereto that do not exceed \$30,000 may be procured without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20 of the Code.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY RULES

c) Section 20-20(c) of the Code authorizes the establishment of a threshold higher than the small purchase limit established in the Code. The threshold established determines the level above which a method of procurement prescribed in the Code and this Part will be used. Additionally, Section 30-35 of the Code provides that a construction contract change order may cause the obligation or expenditure of funds in excess of the original contract price provided that the subject of the change order is germane to the original contract. Section 30-35 of the Code further establishes the manner in which the amount of additional expenditure or obligation will be determined and authorized by the Department. In order to give full effect to the intention of Section 20-20(c) and the provisions of Section 30-35 of the Code, the Department will approve construction contract change orders and the obligation or expenditure of additional funds in accordance with the following requirements and thresholds.

- 1) A construction contract change order that causes the obligation or expenditure of more than \$30,000 in excess of the contract price will not be authorized unless the object of the change order is germane to the original contract.
- 2) Determination of germaneness and the amount of additional expenditure or obligation thresholds will be determined in accordance with this Part and Section 30-35 of the Code.
- 3) Prior written approval will be made by the Department if the contemplated construction contract change order will cause an expenditure or obligation of funds of more than \$30,000 in excess of the contract price. The written approval will state the reasons for the additional obligation or expenditure and the basis for the germaneness determination.
- 4) For purposes of determining the scope of the change order and the value thereof which is subject to the requirements of this Section, the Department will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.
- 5) Notice of approved construction contract change orders in excess of \$30,000 will be published in the Transportation Bulletin.
- d) Estimated needs shall not be divided in any manner to avoid the use of an established method of procurement. (See Section 20-20(a) of the Code.)

Section 60.110 Sole Source Contracts**EMERGENCY**

- a) A contract may be procured from a single source contractor without competition or use of any other method of procurement prescribed in the Code or this Part when the single source contractor is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)

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- b) A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. Examples of circumstances that could necessitate sole source procurement include but are not limited to:
 - 1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;
 - 2) when trial use, testing or the development of new technology is the object of the procurement;
 - 3) when a sole supplier's item is to be procured for commercial resale;
 - 4) when utility services are to be procured;
 - 5) when the surety providing a performance bond tenders a completion contractor, acceptable to the Department, to complete a defaulted contract;
 - 6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee; and
 - 7) when utility, railroad or other private property is to be relocated or otherwise adjusted by the owner to accommodate a Department project.
- c) Change Orders to existing contracts germane to the original contract that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder, may be procured under this Section.
- d) The Department shall publish notice of intent to contract on a sole source basis in the Transportation Bulletin at least 14 days prior to execution of the contract. (See Section 20-25 of the Code.)

Section 60.120 Emergency Contracts**EMERGENCY**

- a) A contract may be procured without the use of any other method of procurement prescribed in the Code or this Part when there exists a threat to public health or safety, or when an immediate contract is needed to repair State property in order to prevent or minimize further loss or damage to State property, or to prevent or minimize serious disruption in State services, including but not limited to completion of a defaulted contract, or to ensure the integrity of State records. (See Section 20-30(a) of the Code.)
- b) For purposes of this Section, State property includes all property both real and personal. State records includes all records regardless of the form of storage. State services include, but are not limited to, all activities committed by law to the jurisdiction or responsibility of the Department, whether provided directly or indirectly by means of contract or intergovernmental agreement. Change Orders to existing contracts which are necessary to complete the contract, and that can best be accomplished by the contract

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- holder, may be procured under this Section.
- c) The Department will employ such competition as is practicable under the emergency circumstances to abate the emergency situation, including the use of existing contracts.
- d) Section 20-30(a) of the Code requires a written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file. Section 20-30 of the Code further requires an affidavit to be filed with the Auditor General setting forth the amount expended, the name of the contractor and the basis for the emergency. For purposes of Department emergency procurements, the Code required affidavits will serve as the Code required written descriptions retained in the contract file, and for purposes of publication notice as required by the Code.

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section 660.130 General Conditions for Use

EMERGENCY

The procedures set forth in this Subpart D will be used for all contracts procured by the Department through the use of competitive sealed bids.

Section 660.140 Invitations for Bids

EMERGENCY

- a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Transportation Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)
- b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.
- 1) Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
 - 2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.
 - 3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
 - 4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions.

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- c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Each contract item will include but not be limited to information concerning the location and description of the contemplated construction work, the estimate of the various quantities and kinds of work to be performed, and the materials to be furnished. The contract item will, if required, contain a schedule of items for which unit bid prices are required. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.

Section 660.150 Amendments to Invitations for Bids

EMERGENCY

Invitations for Bids may be supplemented, by publication in the Transportation Bulletin, with additional contract items, amended instructions, information, or extensions of any times stated in the invitation. Contract items may be subject to amendment. Amendment to contract items may require that the bidder acknowledge receipt of all amendments issued. Each amendment will reference the contract item it amends. Amendments will be sent to all prospective bidders known to the Department at the time of the amendment.

Section 660.160 Preparation of Bids

EMERGENCY

- a) Bidders shall follow all instructions included in the Invitation for Bids and bid forms for submission of bids on the contract item for which bids are sought.
- b) Bidders shall submit their bids in the manner required by the Invitation for Bids.
- c) Unless otherwise provided, all prices shall be given in figures. Separate prices shall be entered for all pricing items indicated in the bid form. When alternate bids are sought for a particular contract item, the alternate will be identified in the bid form. A bid on every alternate is not required unless otherwise specifically provided. When required by the Invitation for Bids, the bidder shall indicate a unit price for each of the separate price items called for in the bid form. The bidder may be required to show the products of the respective quantities and unit prices in a space provided for that purpose, and a gross sum shown in the place indicated in the bid form as the summation of those products. All writing shall be in a permanent, nonerasable form, except the signature of the bidder, which shall be written in permanent, nonerasable ink.
- d) When required by the Invitation for Bids, each bid shall be accompanied by a bid bond in the form provided by the Department with

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the bid form package. The bid bond shall be made and tendered by a surety acceptable to the Department in the amount stated in the Invitation for Bids. The Department will accept a bank cashier's check or a certified check in lieu of a surety bid bond.

**Section 660.170 Delivery of Bids
EMERGENCY**

Bids shall be sealed and submitted in the manner specified or allowed by the Invitation for Bids. When sent by mail, the sealed bid shall be addressed to the Department at the address and in care of the official in whose office the bids are to be received. All bids shall be delivered and received by the Department prior to the time and at the place specified in the Invitation for Bids. The date and time of receipt will be recorded. Bids will remain sealed and will be stored in a secure place until the date and time established for bid opening. Bids received after the time specified will be returned to the bidder unopened.

**Section 660.180 Change or Withdrawal of Bids
EMERGENCY**

A bidder may change or withdraw a bid if written or in-person notice of the change or withdrawal is received by the Department before the time specified for submission of bids. No change or withdrawal is allowed after bid opening except as provided in Section 660.230 of this Part. Changes must be initiated in ink by the bidder. (See Section 20-10(f) of the Code.)

**Section 660.190 Combination Bids for Construction Contracts
EMERGENCY**

- a) A combination bid is a total bid received on two or more contract items. No combination bids other than those specifically established by the Department will be considered. Separate bid forms will be issued for each contract item in the combination. Bids may be submitted on the combination as well as on the separate contract items of the combination. The Department reserves the right to make awards on combination bids or separate contract item bids.
- b) If a combination bid is submitted on two or more contract items, separate bids on each individual contract shall also be submitted, and unless separate bids are so submitted the combination bid will not be considered. If the bidder intends to submit a combination bid, the bidder shall state, in the place provided in the bid form, the amount of the combination bid for the entire combination.
- c) If a combination bid is submitted on any stipulated combination, and errors are found to exist in computing the gross sum bid on any one or more of the individual bids, corrections will be made by the Department and the amount of the combination bid will be corrected so that it will be in the same proportion to the sum of the corrected

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gross sum bid as the combination bid submitted was to the sum of the gross sum bid submitted.

d) The following provisions govern combination bidding:

- 1) When a combination bid is submitted and awarded for two or more contract items, the combination bid price will be prorated against each contract item in proportion to the bid price submitted for each individual contract item.
- 2) Separate contracts will be executed for each individual contract item included in the combination.
- 3) The completion time for all contracts awarded on a combination bid will be the latest completion time designated in any of the contracts included in the combination, unless otherwise provided in the contracts.

**Section 660.200 Pre-Bid Conferences
EMERGENCY**

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They will be announced in the Transportation Bulletin. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference shall be binding. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be available upon request to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

**Section 660.210 Public Opening of Bids
EMERGENCY**

Bids will be opened and read publicly at the time and place specified in the Invitation for Bids. (See Section 20-10(d) of the Code.) The name of each bidder and the price term of each bid will be read aloud and recorded in a tabulation of bids for each contract item advertised. After execution of the contract, the tabulation of bids in the total amount and unit price items, if applicable, of all bidders will be available for public inspection. (See Section 15-25(b) of the Code.)

**Section 660.220 Consideration of Bids
EMERGENCY**

- a) After the bids are opened, read and recorded, the bids will be reviewed for responsiveness to the Invitation for Bids and conformity with all requirements prescribed in this Part. If unit prices are required, the bids will be compared on the basis of the summation of

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the products of the quantities shown in the bid schedule by the unit bid prices.

- b) The right is reserved by the Department to reject any or all bids, to waive minor informalities or technicalities, to advertise for new bids, or to request confirmation or clarification from any bidder regarding information contained in a bid.

- c) Reasons for rejection of all bids include but are not limited to:

- 1) The object of the contract being procured is no longer required.
 - 2) The contract provisions require amendment.
 - 3) The solicitation did not provide for consideration of all factors of significance to the Department.
 - 4) The bid prices exceed available funds or the bid prices exceed the anticipated estimate of costs to the extent that, in the judgment of the Department, prices are unreasonable.
 - 5) Evidence of collusion among bidders.
 - 6) Actions or events beyond the control of the Department, such as strikes, acts of God, material shortages, acts of the public enemy or litigation, would have an adverse effect on the completion of the anticipated contract.
- d) Reasons for rejection of any individual bids include but are not limited to:

- 1) More than one bid for the same contract item from a bidder under the same or different names.
- 2) Evidence of collusion among bidders.
- 3) Unbalanced bids in which the bid prices for some items are, in the judgment of the Department, out of proportion to the bid prices for other items.
- 4) If the bid does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.
- 5) If the bid form is other than that furnished or authorized by the Department, or if the form is altered or any part thereof is detached.
- 6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend, in the judgment of the Department, to make the bid incomplete, indefinite, or ambiguous as to its meaning.
- 7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
- 8) If the bid is not accompanied by the proper bid bond or substitute guaranty.
- 9) If the bid is prepared in any manner other than as indicated in this Part or the Invitation for Bids making the bid not responsive.

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Section 660.230 Mistakes
EMERGENCY

- a) If a bidder claims a mistake in its bid, the bid may be withdrawn in accordance with this Section without payment of damages to the Department as provided in the terms of a bid bond or other bid security, provided the bidder claiming the mistake demonstrates to the Department with competent and reliable evidence:

- 1) that the claimed mistake is related to a material feature of the contract;
 - 2) that the mistake would have serious, material consequences to the bidder such that enforcement of a contract would be unconscionable;
 - 3) that the mistake occurred notwithstanding the exercise of reasonable care by the bidder; and
 - 4) that the bidder has raised the claim of a mistake without delay in order to prevent the Department from altering its position in such a manner that loss to the State would occur.
- b) The Department reserves the right to correct obvious, apparent errors in bids. A bid may not be withdrawn if a mistake is apparent and the intended correct bid is clearly evident on the face of the bid. Examples of mistakes that may be clearly evident on the face of the bid include but are not limited to typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.
- c) Mistakes claimed after execution of the contract will not be corrected.

Section 660.240 Award After Bid Evaluation
EMERGENCY

- a) Unless all bids are rejected, an award notification will be made to the lowest responsible bidder whose bid is responsive to and conforms with the requirements and criteria of the invitation. All responsibility, responsiveness, and price factors are considered so as to select the bid most advantageous to the State. An individual contract item advertised in an Invitation for Bids may state other, additional award and evaluation criteria that will be capable of objective consideration for award. (See Section 20-10(g) of the Code.)
- b) Responsibility of bidders for construction contracts is determined in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.
- c) For nonconstruction contracts, the responsibility of bidders will be determined based upon the following factors unless some other or additional factors or prequalification procedures are stated in the Invitation for Bids.
- 1) The bidder shall possess the appropriate financial, material,

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equipment, facility and personnel resources and expertise necessary to meet all contractual obligations.

- 2) The bidder shall have a satisfactory record of performance, including but not limited to a sound record of integrity and business ethics.
- 3) The bidder shall be under no legal disability of any kind to contract with the State.
- 4) The bidder shall have submitted all information requested by the Invitation for Bids concerning responsibility.

Section 660.250 Split and Multiple Awards**EMERGENCY**

- a) The Department may advertise a contract for a potential split award of a definite quantity requirement between two or more bidders. The Invitation for Bids will advise of the reservation of split awards and the basis for dividing the award.
- b) The Department may advertise a contract for multiple award of an indefinite quantity when two or more contractors are necessary for adequately meeting the Department's needs. The Invitation for Bids will advise of the reservation of multiple awards.

Section 660.260 Time for Award**EMERGENCY**

Unless the Invitation for Bids specifies a different time for bid acceptance, a notification of award will be made in writing dated within 45 calendar days after the opening of bids.

Section 660.270 Delay in Award**EMERGENCY**

Should circumstances be encountered after bid opening that may delay award beyond the 45 day or other advertised period, the responsive bidders may be requested to extend the bid acceptance period.

Section 660.280 Binding Contract**EMERGENCY**

- a) Once an award has been made, the bidder is bound to perform according to the terms and conditions of the contract, the Invitation for Bids and this Part.
- b) An approved contract executed by the Department is required before the State is bound. An award may be canceled any time by the Department prior to execution in order to protect the public interest and integrity of the bidding process or for any other reason if, in the judgment of the Department, the best interests of the State will be promoted.

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Section 660.290 Requirement of Contract Bond for Construction Contracts
EMERGENCY

The successful bidder awarded a construction contract shall furnish the Department a performance and payment bond with good and sufficient sureties in the full amount of the contract as the penal sum. (See the Public Construction Bond Act [30 ILCS 550].) The surety shall be acceptable to the Department, shall waive notice of any changes and extensions of time, and shall submit its bond on the form furnished by the Department. Performance security for other contracts shall be as stated in the Invitation and contract.

Section 660.300 Execution of Contract**EMERGENCY**

- a) The bid form submitted by the bidders may be in such a form that the signature of the bidder on the form is also the signature of the bidder for purposes of contract execution. In such circumstances, the Department will, after acceptance and approval of the bid for contracting purposes, execute the contract and return a copy to the bidder.
- b) If the contract as bid requires additional execution by the bidder, the contract shall be executed by the successful bidder and returned, together with any required contract bond, within 15 days after the contract has been mailed to the bidder. Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for the cancellation of the award and the forfeiture of the proposal guaranty. If the contract is not executed by the Department within 15 days following receipt from the bidder of the properly executed contract and bond, the bidder shall have the right to withdraw the bid without penalty.

Section 660.310 Publication of Contracts**EMERGENCY**

Notice of contracts entered into by the Department pursuant to this Subpart D will be published in the Transportation Bulletin.

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES**Section 660.320 General Conditions for Use****EMERGENCY**

The procedures set forth in this Subpart E will be used for all contracts procured by the Department by competitive sealed proposals supported by a written determination that competitive sealed bidding is not practicable or not advantageous. (See Section 20-15(a) of the Code.)

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**Section 660.330 Request for Proposals
EMERGENCY**

- a) The process for procuring a contract by competitive sealed proposals begins with the issuance of a Request for Proposals by publication in the Transportation Bulletin not less than 14 days before the date set in the request for the opening of proposals. (See Section 20-15(b) and (c) of the Code.)
- b) The Request for Proposals will include the following elements that may be adapted to accomplish the objectives of the Department.
 - 1) A general description of the type of service needed.
 - 2) A general description of the nature of the work and its relationship to the objectives of the Department.
 - 3) The anticipated starting date and duration of the contract.
 - 4) A general description of the final product to be produced or service to be rendered.
 - 5) A detailed description of the work of the project that also discloses a summary of any preliminary work that has been done, and any special conditions affecting the performance of the work, including but not limited to location, licenses, skills required and materials to be supplied. In addition, a timetable for performing the work, including reporting requirements, may be included or instructions for the offerors to provide an acceptable timetable may be specified.
 - 6) A description of the required format for a proposal, including some or all of, but not limited to, the following elements:
 - A) Technical Proposal: A document describing in detail how the work will be accomplished, including any services that would be provided through a subcontract.
 - B) Staffing: A summary of the qualifications of the individuals who would be assigned to the project, a general account of experience in the field of work, and a list of current and anticipated contracts that could require the involvement of the project staff during the term of the Department's contract.
 - C) Cost Estimate: When the project is federally-funded, a detailed estimate of direct and indirect costs of accomplishing the work. When the project is not federally-funded, the Request for Proposal will indicate when and how price will be submitted.
 - D) Samples of Previous Work: Copies of reports, manuals, plans, etc., that are closely related to the type of services needed.
 - E) A statement of any additional requirements.
 - 7) A description of the evaluation factors that will be used to evaluate and rank the proposals, and the relative importance of price to the evaluation factors. (See Section 20-15(e) of the Code.)

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- 8) A name and phone number of the responsible Department Office, and the official mailing address, date and time for submission of the proposal and supporting documents.
- 9) For any federally-funded contract that is expected to exceed \$50,000 in cost, a notification that fiscal information may be required prior to an award detailing the offeror's accounting system, payroll burden, fringe expenses, and general and administration overhead expense percentage rating for purposes of a pre-contract audit.
- 10) A statement, for nonfederally-funded contracts, of when and how price will be submitted.
- 11) A statement that discussions may be conducted with offerors that submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted and evaluated, and that an award may be made and contract executed without discussions.

**Section 660.340 Delivery of Proposals
EMERGENCY**

- a) Proposals shall be sealed and submitted in the manner specified or allowed by the Request for Proposals. When sent by mail, the sealed proposal shall be addressed to the official mailing address specified in the request. All proposals shall be delivered and received by the Department prior to the time and at the official address specified in the Request for Proposals. Proposals received after the time specified will be returned to the offeror unopened. The date and time of receipt will be recorded. Proposals will be held in a secure place until the established due date. After the date and time established for receipt of proposals, a register of proposals will be prepared that will include for all proposals the name of each offeror and a description sufficient to identify the supply or service item offered. The register of proposals is open to public inspection after award of the contract. Proposals will be maintained in a confidential manner during the period prior to execution of a contract. (See Section 20-15(f) of the Code.)
- b) Proposals will be opened publicly in the presence of at least one witness at the time and place indicated, but contents of individual proposals will not be disclosed.

**Section 660.350 Evaluation of Proposals
EMERGENCY**

- a) The evaluation is based on the evaluation factors set forth in the Request for Proposals. Numerical rating systems may be used but are not required. Factors not specified in the Request for Proposals will not be considered. For purposes of conducting discussions with responsible offerors and for revision of proposals, proposals may be

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initially classified as:

- 1) acceptable;
- 2) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
- 3) unacceptable.

Offerors whose proposals are unacceptable will be so notified.

- b) Except for federally-funded contracts, proposals will be evaluated on all particulars independent of price.
- c) For federally-funded contracts, a pre-discussion audit may be performed to provide the necessary data to assure that the offeror has an acceptable accounting system, adequate and proper justification of the various rates charged to perform the work and is aware of federal cost eligibility and documentation requirements. Pre-discussion audits and the resultant audit opinions are required for all contracts expected to exceed \$250,000 and for all contracts of less than \$250,000 where:
 - 1) there is insufficient knowledge of the offeror's accounting system;
 - 2) there is previous unfavorable experience regarding the reliability of the offeror's accounting system; or
 - 3) the contract involves the procurement of new equipment or supplies for which cost experience is lacking.

Pre-discussion audits may be waived when sufficient audited data is available to permit reasonable comparisons with the cost proposal.

Section 660.360 Discussions with Responsible Offerors**EMERGENCY**

- a) "Offerors" Defined. For purposes of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term does not include businesses who submitted unacceptable proposals.
- b) Purposes of Discussions. Discussions may be held to promote understanding of the Department's requirements and the offerors' proposals, and to facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for proposals. (See Section 20-15(f) of the Code.)
- c) Conduct of Discussions. Offerors will be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of or change in the Request for Proposals, the Request shall be amended to incorporate such clarification or change and all offerors advised accordingly. Revealing one offeror's price to another and disclosure of any information derived from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the

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- d) offeror. (See Section 20-15(f) of the Code.)
Best and Final Offers. The Department may establish a common date and time for the submission of best and final offers. The Department may conduct additional discussions or change the State's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

Section 660.370 Award**EMERGENCY**

- a) An award will be made pursuant to a written determination, retained in the contract file, showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals, and taking into consideration price. (See Section 20-15(g) of the Code.)

- b) Nothing shall compel the award of a contract. Contract execution will be as specified in the Request for Proposals. A solicitation may be canceled at any time when such action is determined in the sole judgment of the Department to be in the best interest of the State.

Section 660.380 Publication of Contracts**EMERGENCY**

Notice of contracts entered into by the Department pursuant to this Subpart E will be published in the Transportation Bulletin.

SUBPART F: PROTESTS**Section 660.390 Application****EMERGENCY**

The procedures of this Subpart F will govern the resolution of protests received by the Department from an interested party concerning a contract solicitation.

Section 660.400 Interested Party**EMERGENCY**

In order to be considered an interested party, the protester must be or have been an actual bidder or offeror who demonstrates compliance in all respects with this Part and the terms of the subject Invitation for Bids or Request for Proposals.

Section 660.410 Subject of the Protest**EMERGENCY**

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- a) A protest may be filed regarding any phase of the solicitation process for a particular contract.
- b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
- c) Protest procedures of this Subpart F do not apply to issues of prequalification, suspension or debarment.

Section 660.420 Filing of a Protest EMERGENCY

- a) All protests shall be in writing and filed with the Chief Procurement Officer within 10 days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 10 day period will not be considered. In addition, protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans must be received by the Chief Procurement Officer no later than 10 days before the date set for opening of bids. For purposes of this requirement, deposit in the mail, postage prepaid does not constitute filing or receipt.
- b) The protest shall be contained in an envelope clearly labeled "Protest." The written protest shall include as a minimum the following requirements.
 - 1) The name, address, telephone and facsimile numbers of the protester.
 - 2) The identification of the procurement or solicitation that is the subject of the protest.
 - 3) All information establishing that the protester is an interested party.
 - 4) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process.
 - 5) All information establishing the timeliness of the protest.
 - 6) The signature of the protester.

Section 660.430 Stay of Action during Protest EMERGENCY

When a protest has been timely filed and before an award has been made, the Department will make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State. When a protest has been filed after an award has been made, the protest will be denied.

Section 660.440 Decision EMERGENCY

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- a) A decision on a protest will be made as expeditiously as possible after receiving all relevant information.
- b) The protest will be sustained only if it is determined by the Chief Procurement Officer that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process.
- c) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester.
- d) The decision of the Chief Procurement Officer is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. (See Section 20-75 of the Code.)

SUBPART G: SPECIFICATIONS

Section 660.450 Standard Specifications EMERGENCY

All Department construction contracts will identify the version of the Standard Specifications, applicable to the type of work involved, used by the Department Division undertaking the project.

Section 660.460 Contract Documents EMERGENCY

For construction contracts, the specifications, supplemental specifications, special provisions and plans will provide the requirements for the categories of work and materials needed for the contract. For all other contracts involving the procurement of supplies, the specifications will be incorporated in the appropriate contract documents.

Section 660.470 Specification Standards EMERGENCY

- a) Material and product specifications for construction contracts and construction-related service contracts that may require the delivery of material or products will be used that satisfy the needs of the Department and that are developed in accordance with the following standards.
 - 1) Material and product specifications will reflect the needs of the Department and will describe the technical or performance requirements necessary to complete the contemplated work.
 - 2) Brand-name only product specifications, including patented or proprietary products, will not be used, unless:
 - A) such products may be procured competitively with equally suitable nonbrand-name products; or

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- B) such products are necessary for compatibility with existing facilities; or
- C) no equally suitable alternate exists; or
- D) such products are to be used for research or for a distinctive type of application for experimental purposes.
- 3) When more than one product will fulfill the requirements for an item of work and the products are judged by the Department to be of satisfactory quality, and equally acceptable on the basis of engineering analysis and estimated price, the contract specifications may contain or include by reference a qualified products list.
- b) For nonconstruction and nonconstruction-related services contracts, the Department adopts the standards for specifications established by the Department of Central Management Services.

SUBPART H: SUSPENSION OF CONTRACTORS

Section 660.480 Purpose

EMERGENCY

The purpose of this Subpart H is to establish the standards and procedures governing the administrative action of suspension that may be taken by the Department to safeguard the public interest in the solicitation, execution, administration and performance of public contracts. This Subpart applies to all suspension administrative actions taken by the Department regarding any contractor that has participated, is currently participating or may be expected to participate in any Department contract.

Section 660.490 Definitions

EMERGENCY

As used in this Subpart:

- a) "Affiliates" means firms where one controls or has the power to control another, or a third party or parties controls or has the power to control both.
- b) "Contract" means, in addition to the meaning set forth at Section 660.40, a written agreement between a contractor and the Department, or an agreement subject to Department approval, regardless of form or method of procurement.
- c) "Contractor" means any person, firm, corporation, organization, partnership, or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.
- d) "Hearing Officer" means the Secretary or an attorney, licensed to practice law in this State, appointed by the Secretary.
- e) "Participation" means to enter into or attempt to enter into a contract awarded or approved by the Department, irrespective of the

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- method of procurement, or any subcontract, material supply agreement or equipment lease transaction in connection with any such contract.
- f) "Indictment" means the charge, information, or other filing by a competent authority charging a criminal offense.
- g) "Secretary" means the Secretary of Transportation.

Section 660.500 Policy

EMERGENCY

In order to protect the public interest in the solicitation, execution and performance of contracts administered by the Department, it is the policy of the Department to conduct business only with contractors of responsible business integrity and honesty. Suspension is a discretionary action imposed in accordance with this Part to serve the public interest and to implement this policy. It may be imposed only for the causes and in accordance with the procedures set forth in this Subpart.

Section 660.510 General

EMERGENCY

The Secretary may suspend a contractor from participation on any contract awarded by or requiring approval or concurrence of the Department upon a determination by the Secretary based upon adequate evidence that the contractor has engaged in conduct proscribed by Section 660.520 of this Subpart. This determination may be predicated on evidence developed by means of an investigation conducted by the Department and the record of any hearing requested and conducted pursuant to this Subpart; by review of the public record containing a criminal conviction, a civil judgment, or an admission under oath of conduct evidencing proscribed conduct including a plea of nolo contendere; or the findings and decisions made in accordance with law by another public agency that the contractor has engaged in conduct proscribed by Section 660.520 of this Subpart.

Section 660.520 Causes for Suspension

EMERGENCY

- A contractor may be suspended from participation due to acts or omissions that indicate that the contractor lacks integrity and honesty in the conduct of business or the performance of contracts. Acts or omissions that indicate the lack of business integrity and honesty include but are not limited to:
- a) fraud, bribery, embezzlement, theft, collusion, conspiracy, anti-competitive activity or other misconduct and offenses prohibited by law whether or not any such misconduct or offense is in connection with a Department contract or any contract requiring Department approval;
- b) making a material false statement in an application for prequalification or any forms or affidavits required as part of a prequalification process;

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- c) materially violating any rule or procurement procedure or making a material false statement in connection with any rules or procurement procedures of the Department;
- d) making a material false statement, representation, claim or report respecting the character, quality, quantity, or cost of any work performed or materials furnished in connection with a contract administered or supervised by the Department;
- e) doing business with a suspended contractor in connection with a contract of the Department or subject to approval of the Department during the period of suspension; or
- f) being debarred or suspended by another agency of this State or the United States.

Section 660.530 Interim Suspension EMERGENCY

The Secretary may immediately suspend a contractor prior to and during the pendency of a hearing provided by this Subpart if the Secretary finds that the facts and circumstances upon which the suspension cause is predicated are of such a nature as to require immediate action to safeguard the public interest in the solicitation, execution, administration or performance of contracts, whether awarded by the Department or subject to Department approval. An interim suspension may be imposed pending the completion of an investigation of the causes for suspension. Indictment upon charges evidencing a cause for suspension is a basis for an interim suspension. An interim suspension is effective immediately and will continue for a period of time established by the Secretary of up to 120 days unless terminated sooner by the Secretary. The Secretary may extend the duration of an interim suspension beyond 120 days in order to allow for completion of a hearing that was scheduled for commencement during the original 120 day interim suspension period. In cases involving interim suspension based upon indictment, the interim suspension may be imposed for a period of up to one year or until conclusion of the legal proceeding.

Section 660.540 Voluntary Exclusion EMERGENCY

A contractor may accept a status of nonparticipation or limited participation in Department contracts pursuant to the terms of an administrative settlement.

Section 660.550 Term of Suspension EMERGENCY

Except as herein provided, the term of a suspension imposed by the Secretary will be for a period, commensurate with the seriousness of the cause or causes, of up to five years. In cases involving the inadvertent or accidental failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of no more than two years. (See Section 50-35(f) of the Code.) In cases involving the intentional, willful, or

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material failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of not more than ten years with eligibility for reinstatement after two years. (See Section 50-35(g) of the Code.)

Section 660.560 Coverage EMERGENCY

- a) A suspension and interim suspension applies to the contractor set forth in the notice of suspension.
- b) If the contractor named in the notice of suspension is a person, the suspension also applies to any other contractor:
 - 1) in which the suspended person is an officer, director, manager or in any other substantial management or supervisory position, until such time as the person is severed from such contractor; or
 - 2) in which the suspended person has controlling legal or beneficial financial interest, until such time as the suspended person's interests are divested.
- c) In addition to all covered entities and affiliates, the suspension also applies to any entity or affiliate that is formed or organized subsequent to the date a suspension action was entered.
- d) Any suspended contractor, for the term of such suspension, is ineligible to participate as a contractor, subcontractor, material supplier or lessor of equipment on or in connection with contracts awarded or approved by the Department.

Section 660.570 Other Agency Suspensions EMERGENCY

Suspension under this Subpart H may be concurrent with or consecutive to any other suspension or debarment imposed by another public agency.

Section 660.580 Responsibility EMERGENCY

Suspension under this Subpart will also be deemed a finding of lack of responsibility.

Section 660.590 Continuation of Executory Contracts EMERGENCY

Suspension or voluntary exclusion pursuant to this Subpart H shall not relieve a contractor or its surety of any obligation to be performed in accordance with the terms of any executory contract or bond that remains in full force and effect. Executory contracts are voidable by the Department without penalty or further payment, except payment for completed and accepted work, if the facts and circumstances giving rise to the suspension are of such a nature as to require action to safeguard the public interest.

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**Section 660.600 Exception Provision
EMERGENCY**

A suspension action is final, except that the period of time during which a contractor is suspended may be decreased, delayed or rescinded at any time, if, in the judgment of the Secretary, the public interest warrants such action. The Secretary may grant an exception permitting a suspended or voluntarily excluded contractor to participate in a particular contract or type of contracts if the public interest will be served by the participation. A contractor suspended for the intentional, willful, or material failure to make the disclosures required by Section 50-35 of the Code is not eligible for exception or reinstatement until two years of the suspension shall have passed. (See Section 50-35(g) of the Code.)

**Section 660.610 Notice of Suspension
EMERGENCY**

- a) Any contractor that the Department proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.
- b) The notice will include the following:
 - 1) The cause for suspension on which the proposed suspension is based.
 - 2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.
 - 3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.
- c) A notice may be amended at any time.
- d) If the Secretary has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart H.
- e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.

**Section 660.620 Response and Request for Hearing
EMERGENCY**

- a) Any contractor receiving a notice of suspension may, within 30 days after receipt of a notice, file an appearance and request for a hearing. A contractor that does not file an appearance and request a hearing within the 30 days after receipt shall be deemed to have waived any hearing and will be subject to immediate suspension.
- b) Within 30 days after receipt of a notice which imposes an interim suspension, the contractor may submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension. The Secretary will consider the

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contractor's submission in light of the evidence developed in the pending investigation, and may modify or terminate the suspension or may leave it in force. The Secretary's decision concerning imposition of an interim suspension is final without further hearing.

**Section 660.630 Hearing Date and Hearing Officer
EMERGENCY**

- a) Upon receipt of an appearance and request for hearing, the Secretary will set the matter for a hearing within 30 days, and notify the contractor of the place, time and date of the hearing and the designated Hearing Officer.
- b) The contractor may file a written motion for disqualification of a Hearing Officer, setting forth reasons of personal bias or conflict of interest, within three days after appointment of the Hearing Officer.

**Section 660.640 Answer
EMERGENCY**

The contractor may file a written answer to a notice not later than twenty days prior to the hearing date, but shall not be required to file an answer. The answer may include affirmative defenses.

**Section 660.650 Form of Documents
EMERGENCY**

- a) Documents shall clearly show the file hearing number and the title of the proceedings in connection with which they are filed.
- b) Except as otherwise provided, two copies of all documents shall be filed.
- c) Documents shall be typewritten or reproduced from typewritten copy on letter size white paper.
- d) Each document filed shall be signed by the party or by his authorized representative or attorney.

**Section 660.660 Computation of Time
EMERGENCY**

- a) Computation of any period of time prescribed by this Subpart H begins with the first business day following the day on which the act, event or development initiating such period of time occurs, and runs until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. When the period of time is five days or less, Saturdays, Sundays and legal holidays are excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice

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was timely received.

Section 660.670 Appearances EMERGENCY

- a) Any person participating in proceedings may appear as follows:
- 1) A person may appear in his/her own behalf or by an attorney at law licensed to practice in the State of Illinois, or both.
 - 2) A business, nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.
 - b) Attorneys not licensed to practice in the State of Illinois may appear on motion.
 - c) An attorney appearing in a representative capacity shall file a written notice of appearance.

Section 660.680 Hearing Procedures EMERGENCY

- a) The Hearing Officer has the authority to conduct and preside over the hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements and to ensure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:
- 1) Administer oaths and affirmations;
 - 2) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;
 - 3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
 - 4) Rule upon all motions, offers of proof and receive relevant, material evidence admissible under the rules of evidence applied in civil cases in the circuit courts of the State, including evidence not admissible under those rules, but that is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs;
 - 5) Direct parties to appear and confer for the simplification of issues, or presentation of evidence that may be received in written form without prejudice to the parties, and otherwise conduct pre-hearing conferences;
 - 6) Dispose of procedural requests or similar matters;
 - 7) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part; and

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- 8) Enter any order that further carries out the purpose of this Part.
- b) The Hearing Officer has the authority to extend the date of any hearing, provided that the Hearing Officer may condition the granting of a contractor's request for an extension on the imposition or extension of an interim suspension should the circumstances warrant such action.
- c) Any party to the hearing shall have the right to direct any other party to produce for inspection, copying, reproduction or photocopying written documents relevant to the subject matter of the hearing. Such request for documents shall be in writing and served on the party from whom production of documents is sought. A copy of the request shall be sent to the Hearing Officer and shall become part of the record of the case. The request shall specify a reasonable time, place and manner of making the inspection and copying.
- d) The parties shall be afforded the opportunity to present, examine and cross-examine witnesses.
- e) In cases where it has been established by admission or conviction or judgment of a court of competent jurisdiction that the contractor has engaged in conduct warranting a suspension or where it has been established by findings made in accordance with law by another public agency that the contractor has engaged in conduct warranting a suspension, the sole issue before the Hearing Officer shall be the receipt of evidence as to the appropriate length of a suspension. In such cases the Hearing Officer shall not receive evidence relating to the merits of the prior judicial or administrative decision or findings.
- f) The Hearing Officer shall make a report containing findings of fact and conclusions of law, and shall transmit the entire record, including such findings and conclusions, to the Secretary for review and final decision. If the Secretary will not review the record prior to rendering a decision, the Hearing Officer will serve upon the parties a proposed decision to which the parties may file a brief containing exceptions.
- g) Testimony at the hearing shall be recorded either by a certified court reporter or a mechanical recording device, but need not be transcribed unless requested by a party who shall pay for the transcription of the portion requested. The transcript and the record offered in connection with the hearing shall constitute the official record. The record shall include:
 - 1) All pleadings, motions, and rulings;
 - 2) Evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;
 - 5) Any proposed findings and exceptions to the report of the Hearing Officer, and the decision.

Section 660.690 Determination

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EMERGENCY

- a) Based on the record as a whole and an adequate evidence standard of proof, the Secretary will determine the suspension action to be taken.
- b) In assessing adequate evidence, consideration will be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences that may be drawn from the existence or absence of affirmative facts. This assessment will include an examination of basic documents such as contracts, inspection reports, and correspondence.
- c) Upon reaching a final decision, the Secretary will notify the contractor of the determination and will set forth the period of time during which the contractor shall be suspended from bidding on Department contracts or contracts requiring Department approval or concurrence. Affected local government agencies will be notified of the final decision. Any interim suspension shall be deducted from the period of final suspension.
- d) Parties will be served with a copy of the final decision by mail, postage prepaid, certified, or registered, addressed to the last known address of the person, partnership, association, or company involved. A copy of the final decision will be mailed to each party and to all attorneys of record.

SUBPART I: MISCELLANEOUS

Section 660.700 Property Rights**EMERGENCY**

Receipt of an Invitation for Bids, Request for Proposals or other procurement document, or submission of any response thereto or other offer confers no right to receive an award or contract, nor does it obligate the State in any manner. All procurement documents submitted by a bidder or offeror become the property of the Department for disposition in accordance with the requirements of law. Trade secrets or other proprietary information submitted to the Department shall be expressly identified in writing; however, the Department reserves the right to determine the validity of any such claim, and may refuse to award a contract or may void any contract in circumstances where the party claiming the trade secret or proprietary data is unable to agree to disclosure for a public purpose. (See Section 1-25 of the Code.)

Section 660.710 Federal Requirements**EMERGENCY**

Procedures applicable to procurements that contemplate the use of federal-aid funds, grants or loans shall be in accordance with requirements established by the federal administration having responsibility therefor, and even if in addition or in contravention of this Part. (See Section 20-85 of the Code.)

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Section 660.720 Intergovernmental Agreements**EMERGENCY**

Any procurement conducted by the Department on behalf of another government entity pursuant to an intergovernmental agreement shall be conducted using the procedures of this Part in accordance with the applicability provisions of the Code. (See Section 1-10(b) of the Code.)

Section 660.730 No Waiver of Sovereign Immunity**EMERGENCY**

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

Section 660.740 Written Determinations**EMERGENCY**

The Chief Procurement Officer will prescribe any administrative methods and operational procedures to be used in preparing written determinations required to be made by the Department by the Code or this Part, and will make such delegations to responsible officers for the implementation of the methods and procedures as will achieve the proper preparation, execution and retention of each written determination.

Section 660.750 Severability**EMERGENCY**

If any provision or application of this Part is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

TEACHERS' RETIREMENT SYSTEM OF THIS STATE OF ILLINOIS

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENT
IN RESPONSE TO AN OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Number: 1650.380

4) Notice of Emergency Amendment published in the Illinois Register: April 24, 1998 22 Ill. Reg. 7314

5) JCAR Statement of Objection to Emergency Amendment published in the Illinois Register:
June 5, 1998; 22 Ill. Reg. 9601

6) Date agency submitted this modification to JCAR for approval: May 27, 1998

7) Summary of Action Taken by the Agency:

Due to concerns raised by the Joint Committee on Administrative Rules over the repeal of 80 Ill. Adm. Code 1650.380 because the mortality tables and interest rates employed in computation of an "actuarial equivalent" would not be stated in any rule, the Board of Trustees has authorized the modification of the emergency rule (and corresponding proposed rule) to amend the rule with current mortality tables and interest rate assumptions.

8) Name, address and telephone number of the person to whom information and questions regarding this modification shall be directed:

Carl Mowery, General Counsel
Teachers' Retirement System
2815 West Washington, P. O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0961

The full text of the Section of the emergency amendments being modified begins on the next

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10

Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110
1650.120
1650.130
1650.140
1650.150
1650.160
1650.180
1650.181
1650.182
1650.183

Membership Records
Claims Records (Repealed)
Individual Accounts (Repealed)
Ledger and Accounts Books (Repealed)
Statistics (Repealed)
Confidentiality of Records
Filing and Payment Requirements
Early Retirement Incentive Payment Requirements
Waiver of Additional Amounts Due
Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.210
1650.220
1650.230
1650.240
1650.250
1650.260
1650.270
1650.271
1650.272

1650.280
1650.290

Claim Applications
Reclassification of Disability Claim (Repealed)
Medical Examinations and Investigations of Claims
Refunds; Impermissible Refunds; Canceled Service; Repayment
Death Benefits
Evidence of Age
Reversionary Annuity - Evidence of Dependency
Evidence of Parentage
Eligible Child Dependent By Reason of a Physical or Mental Disability
Evidence of Marriage
Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
1650.310
1650.320
1650.325

1650.330

Effective Date of Membership
Method of Calculating Service Credits
Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
Duplicate Service Credit

1650.340 Service Credit for Leaves of Absence
 1650.341 Service Credit for Involuntary Layoffs
 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
 1650.346 Service Credit for Periods Away From Teaching Due to Adoption
 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
 1650.355 Purchase of Optional Service - Required Minimum Payment
 1650.360 Settlement Agreements and Judgments
 1650.370 Calculation of Average Salary (Renumbered)
 1650.380 Definition of Actuarial Equivalent
 1650.390 Independent Contractors

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
 1650.410 Refunds for Duplicate or Noncreditable Service
 1650.420 Interest on Deficiencies (Repealed)
 1650.430 Installment Payments (Repealed)
 1650.440 Small Deficiencies, Credits or Death Benefit Payments
 1650.450 Definition of Salary
 1650.451 Reporting of Conditional Payments
 1650.460 Calculation of Average Salary
 1650.470 Rollover Distributions
 1650.480 Rollovers to the System

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
 1650.505 Beneficiary (Repealed)
 1650.510 Re-entry Into Service
 1650.520 Suspension of Benefits
 1650.530 Power of Attorney
 1650.540 Conservators/Guardians
 1650.550 Presumption of Death
 1650.560 Benefits Payable on Death
 1650.570 Survivors' Benefits
 1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22
 1650.580 Evidence of Eligibility
 1650.590 Comptroller Offset
 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
 1650.610 Staff Responsibility
 1650.620 Right of Appeal
 1650.630 Form of Written Request
 1650.640 Prehearing Procedure

1650.650 Hearing Procedure
 1650.660 Rules of Evidence

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
 1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
 1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
 1650.910 Summary and Purpose
 1650.920 Definitions
 1650.930 Submission of Requests
 1650.940 Form and Content of FOIA Requests
 1650.950 Appeal of a Denial
 1650.960 Executive Director's Response to Appeal
 1650.970 Response to FOIA Requests
 1650.980 Inspection of Records at System Office
 1650.990 Copies of Public Records
 1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
 1650.1000 Nomination of Candidates
 1650.1010 Petitions
 1650.1020 Eligible Voters
 1650.1030 Election Materials
 1650.1040 Marking of Ballots
 1650.1050 Return of Ballots
 1650.1060 Observation of Ballot Counting
 1650.1070 Certification of Ballot Counting
 1650.1080 Challenges to Ballot Counting

SUBPART M: RETIREMENT BENEFITS

Section
 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 U.S.C. 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill.

Reg. 9, P. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; Emergency Amendment Modified at 22 Ill. Reg. 11640.

Section 1650.380 Definition of Actuarial Equivalent

"Actuarial equivalent" as defined in Section 16-122 of the Illinois Pension Code [40 ILCS 5/16-122] shall mean a benefit or sum of equal value to another benefit or sum when computed on the basis of:

- a) the 1995 George B. Buck Mortality Tables, with 42% male mortality and no age adjustments for primary annuitants, and with 58% male mortality and ages set forward one year for contingent annuitants ~~the--GP--1984 Mortality Table with the ages of--primary annuitants--set-back--six-years and the ages of--contingent annuitants--set-back--six-years; and~~
- b) interest at 8% per annum, compounded annually.

(Source: Emergency amendment modified at 22 Ill. Reg. _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

ILLINOIS COMMUNITY COLLEGE BOARD

Heading of the Part: Administration of the Illinois Public Community College Act

Code Citation: 23 Ill Adm Code 1501

Section Numbers:
1501.114 1501.201
1501.308 1501.501
1501.510 1501.522

Date Originally Published in the Illinois Register: 7/11/97

21 Ill Reg 8745

At its meeting on June 16, 1998, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Illinois Community College Board update its rules entitled Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501) to change from September 30 to August 31 the date by which all goods and services for which funds have been obligated must be received and paid for, in accordance with Section 25 of the State Finance Act [30 ILCS 105/25].

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Retailers' Occupation Tax

Code Citation: 86 Ill Adm Code 130

Section Numbers: 130.1945

Date Originally Published in the Illinois Register: 1/23/98
22 Ill Reg 2070

At its meeting on June 16, 1998, the Joint Committee on Administrative Rules objected to the Department of Revenue's rulemaking entitled Retailers' Occupation Tax Act (86 Ill Adm Code 130; 22 Ill Reg 2070) because the Department is proposing to remove from rule a provision that accurately states that agricultural co-operative associations are not primarily engaged in rendering services. Deletion of this long-existing depiction of the purpose and practice of agricultural co-operatives could have a negative economic impact on them and their members, and DOR has shown no persuasive public purpose to be served by doing so. If the Department believes Illinois agricultural co-operative associations should have different status under Illinois law, it should seek enactment of a statute altering that status.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

PROPERTY TAX APPEAL BOARD

Heading of the Part: Practice and Procedure for Hearings Before the
Property Tax Appeal Board

Code Citation: 86 Ill Adm Code 1910

Section Numbers: 1910.50

Date Originally Published in the Illinois Register: 2/20/98
22 Ill Reg 3718

At its meeting on June 16, 1998, the Joint Committee on Administrative Rules objected to the rulemaking of the Property Tax Appeal Board entitled Practice and Procedure for Hearings Before the Property Tax Appeal Board (86 Ill Adm Code 1910; 22 Ill Reg 3718) because, by prejudging to be competent evidence the Department of Revenue's Annual Sales Ratio Studies, and not other specific forms of competent evidence, the rulemaking could adversely affect the local governments and school districts of Cook County. Illinois statutes refer only to use of these Studies in counties other than Cook, thus the Department has no clear statutory basis for applying the Studies in Cook County.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Register Citation to Notice of Proposed Amendments: 22 Ill. Reg. 7870; May 8, 1998
- 4) Date, Time and Location of Public Hearings:
Tuesday, July 14, 1998, 9 A.M.
Department of Professional Regulation
James R. Thompson Center, 9th Floor, Room 9-172
100 West Randolph
Chicago, Illinois 60601

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Each person presenting oral testimony will be allowed 10 minutes for the presentation.

Those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should submit written comments by July 17, 1998, to:

Jean A. Courtney
Department of Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACTOR OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to Section 11a of the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1996), the Director of the Department of Labor gives notice that the following contractors or subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on 2 separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project for:

- 1) the period of May 12, 1998 - April 30, 1999:

Martinsville Roofing Company, Inc.
John H. Sanders, President
26 South Washington
Martinsville, Illinois 62442

- 1) the period of November 17, 1997 to November 16, 1999:

Kandu Brothers Construction Company, Inc.
8159 North Lincoln
Skokie, Illinois 60077

- 2) the period of July 7, 1997 to July 6, 1999:

- a) D & D Sewer Service
201 Heitman Drive
Lincoln, Illinois 62656
- b) Mr. Tim Maroulis
Northwestern Contractors, Inc.
1117 West 148th Street
East Chicago, Indiana 46312

- 4) the period of March 26, 1997 to March 25, 1999:

Ronald A. Wiltsie
d/b/a Wiltsie Construction
210 South Foggit
Edinburg, Illinois 62531

- 5) a 2 year period ending January 31, 1999:

Mr. Mike Brown and Ms. Judith Brown
Brown's Plumbing and Heating
830 18th Street

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Charleston, Illinois 61920

6) the period of January 27, 1997 to January 26, 1999:

Mr. William G. King
King Carpentry
P.O. Box 204
McNabb, Illinois 61335

7) a 2 year period ending October 31, 1998:

G.O.B. Builders, Inc.
4425 North Elston Avenue
Chicago, Illinois 60630

8) a 2 year period ending October 27, 1998:

Mr. Rick Schlosser
Rick's Concrete
409 Wirt Street
Henry, Illinois 61537

9) a 2 year period ending October 3, 1998:

Huffman Farm Supply, Inc.
702 Minier Avenue
P.O. Box 463
Minier, Illinois 61759

Mr. John A. Manning, President
Ms. Peggy A. Haning, Secretary

Copies of the Prevailing Wage Act are available at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT ON AGING

JULY 1988 REGULATORY AGENDA

a) Part(s)(Heading and Code Citation): Community Care Program, 89 Ill. Adm. Code 240

1) Rulemaking:

A) Description:

Rulemakings: publish new rules with respect to the Senior Companion Program; Emergency Home Response and Home Delivered Meals.

Rulemakings amend Sections 240.410; 240.480; 240.715; 240.1535; 240.1650; 240.1655; 240.1660; 240.1661; and 240.1665 for update and/or technical corrections.

B) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on the new rulemakings.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after July 1, 1998, but prior to December 31, 1998.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: The related rulemaking would occur only through cross-reference throughout the rulemaking.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

JULY 1998 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation):1) Rulemaking:

A) Description: The Authority plans to propose rulemaking necessary for the administration and implementation of the Juvenile Accountability Incentive Block Grant Program. This grant program provides States and units of local government with federal funds to develop programs to promote greater accountability in the juvenile justice system. This rulemaking will be included in a new Part number, and the Title and Part number for this rulemaking have not yet been assigned.

B) Statutory Authority: P.A. 90-587 (20 ILCS 3930/9.2)

C) Scheduled meeting/hearing dates: No meetings or hearings have yet been scheduled.

D) Date agency anticipates First Notice: The Authority anticipates that it may submit a notice of proposed rulemaking during the next 6 months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small municipalities in that they may be recipients of Juvenile Accountability Incentive Block Grant funds.

F) Agency contact person for information:

Robert P. Boehmer, General Counsel
120 S. Riverside Plaza, Suite 1016
Chicago, IL 60606
312-793-8550

G) Related rulemakings and other pertinent information: None

HEALTH FACILITIES PLANNING BOARD

JULY 1998 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Practice and Procedure in Administrative Hearings; 77 Ill. Adm. Code 11801) Rulemaking:

A) Description: Part 1180 will be amended to revise procedural requirements to address the administrative hearing process conducted for contested cases such as denial of applications for permit or revocation of permits.

B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to Illinois Register publication. An October 1998 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1180 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Name: Donald Jones
Address: Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
Telephone: 217-782-3516
E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Public Notice of Opportunity for Public Hearing and Public Hearing Procedures; 77 Ill. Adm. Code 12001) Rulemaking:

A) Description: Part 1200 will be amended to revise the procedural rules regarding public hearing requirements for Certificate of Need applications.

B) Statutory Authority: Health Facilities Planning Act, (20

HEALTH FACILITIES PLANNING BOARD

JULY 1998 REGULATORY AGENDA

ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to Illinois Register publication. An October 1998 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1200 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Name: Donald Jones
Address: Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
Telephone: 217-782-3516
E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation: Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1925

1) Rulemaking:

A) Description: Part 1925 will be amended to revise rules concerning but not limited to Rulemaking Procedures, Petition for Adoption of Rules, and Organizational Composition of the State Board.

B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to Illinois Register publication. An October 1998 first notice publication is anticipated.

HEALTH FACILITIES PLANNING BOARD

JULY 1998 REGULATORY AGENDA

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1925 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Name: Donald Jones
Address: Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: 217-782-3516
E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF STATE POLICE

JULY 1998 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

- C) Schedule of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

- b) Part (Heading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19

- C) Schedule of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Intergovernmental Drug Enforcement Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 30 ILCS 715/5

- C) Schedule of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a, 720 ILCS 550/12 and 720 ILCS 570/505

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been

determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-6758

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS); 20 Ill. Adm. Code 1240

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.

B) Statutory Authority: 20 ILCS 2605/55a

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Gang Crime Witness Protection Act; 20 Ill. Adm. Code 1275

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the Gang Crime Witness Protection Act.

B) Statutory Authority: 20 ILCS 2605/55a and 725 ILCS 172/5

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for

profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 150/4

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small business, small municipalities or not for profit corporations: The amendment or rule will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Child Sex Offender and Murderer Community Notification Law; 20 Ill. Adm. Code 1282

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to implementation of the Child Sex Offender and Murderer Community Notification Law.
- B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 152 C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 5/5-4-3

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

**JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY**

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 16, 1998 through June 22, 1998 and have been scheduled for review by the Committee at its July 21, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/30/98	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	5/1/98 22 Ill Reg 7385	7/21/98
8/5/98	Teachers' Retirement System, Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	4/24/98 22 Ill Reg 7138	7/21/98

Rules acted upon during the quarter of April 1 through June 30, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or instate@ecgate.sos.state.il.us (Internet address).

PROPOSED

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ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

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1990 1991 1992 1993 1994 1995 1996

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(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

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(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

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GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

44

SPRINGFIELD, IL 62725
111 E. MONROE
INDEX DEPARTMENT
SECRETARY OF STATE
GEORGE H. RYAN

ON FAX: (317) 644-0128

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NEW ☐ RENEWAL ☐

(VOLUME #)

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